

AN ACT

To amend sections 121.02, 121.03, 343.01, 921.52, 1501.04, 1501.16, 1501.20, 1501.201, 1505.07, 1507.04, 1509.081, 1511.02, 1515.08, 1521.04, 1521.05, 1541.21, 1547.32, 1547.33, 1547.331, 1547.99, 2933.21, 2933.22, 2933.24, 3701.18, 3701.19, 3701.20, 3701.22, 3701.99, 3704.03 to 3704.09, 3704.11, 3704.99, 3706.02, 3707.42, 3707.46, 3734.01, 3734.02, 3734.05, 3734.09, 3734.10, 3767.33, 4903.20, 4903.22, 4903.23, 6101.061, 6101.13, 6101.19, 6101.39, 6101.451, 6103.02, 6103.03, 6103.17, 6103.19, 6103.22, 6105.12, 6105.14, 6111.03, 6111.04 to 6111.07, 6111.12 to 6111.20, 6111.23, 6111.28 to 6111.32, 6111.39, 6111.40, 6111.99, 6112.02, 6112.03, 6112.04, 6113.02, 6115.07, 6115.16, 6115.23, 6115.40, 6117.01, 6117.04, 6117.09, 6117.34, 6117.36, 6117.42, 6117.46, 6119.04, 6119.08, 6119.35, 6121.02, 6121.03, 6121.041, 6121.05, and 6161.02, to amend to change section numbers to those in parentheses: sections 1501.20 (6111.41), 1501.201 (1501.20), 1521.04 (6111.42), 1521.05 (6111.43), 3701.-18 (6111.44), 3701.19 (6111.45), and 3701.-20 (6111.46), to enact sections 1501.21, 1521.03, 3745.01 to 3745.09, 4906.01 to 4906.15, 4906.98, and 4906.99, to repeal sec-

tions 1521.13, 1521.99, 1525.01 to 1525.06, 3701.041, 3701.21, 3701.59, 3704.02, 6103.18, 6111.02, 6111.031, 6111.21, 6111.22, 6111.24, 6111.25, 6111.26, 6111.27, 6111.33, and 6117.-35 of the Revised Code, and to amend section 3 of Amended Substitute Senate Bill 370 passed by the 109th General Assembly and signed by the Governor to be effective December 23, 1971, to establish an environmental protection agency and a power siting commission, and thereby provide for more effective enforcement of pollution control and abatement measures and better coordinated oversight of state environmental protection activities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 121.02, 121.03, 343.01, 921.52, 1501.04, 1501.16, 1501.20, 1501.201, 1505.07, 1507.04, 1509.081, 1511.02, 1515.08, 1521.04, 1521.05, 1541.21, 1547.32, 1547.33, 1547.331, 1547.99, 2933.21, 2933.22, 2933.24, 3701.18, 3701.19, 3701.20, 3701.22, 3701.99, 3704.03, 3704.031, 3704.032, 3704.04, 3704.05, 3704.06, 3704.07, 3704.08, 3704.09, 3704.11, 3704.99, 3706.02, 3707.42, 3707.46, 3734.01, 3734.02, 3734.05, 3734.09, 3734.10, 3767.33, 4903.20, 4903.22, 4903.23, 6101.061, 6101.13, 6101.19, 6101.39, 6101.451, 6103.02, 6103.03, 6103.17, 6103.19, 6103.22, 6105.12, 6105.14, 6111.03, 6111.04, 6111.041, 6111.05, 6111.06, 6111.07, 6111.12, 6111.13, 6111.14, 6111.15, 6111.16, 6111.17, 6111.18, 6111.19, 6111.20, 6111.23, 6111.28, 6111.29, 6111.30, 6111.31, 6111.32, 6111.39, 6111.40, 6111.99, 6112.02, 6112.03, 6112.04, 6113.02, 6115.07, 6115.16, 6115.23, 6115.40, 6117.01, 6117.04, 6117.09, 6117.34, 6117.36, 6117.42, 6117.46, 6119.04, 6119.08, 6119.35, 6121.02, 6121.03, 6121.041, 6121.05, and 6161.02 be amended, amend to change section numbers to those in parentheses: sections 1501.20 (6111.41), 1501.201 (1501.20), 1521.04 (6111.42), 1521.05 (6111.43), 3701.18 (6111.44), 3701.19 (6111.45), and 3701.20 (6111.46), and sections 1501.21, 1521.03, 3745.01, 3745.011, 3745.02, 3745.03, 3745.04, 3745.05, 3745.06, 3745.07, 3745.08, 3745.09, 4906.01, 4906.02, 4906.03, 4906.04, 4906.05, 4906.06, 4906.07, 4906.08, 4906.09, 4906.10, 4906.11, 4906.12, 4906.13, 4906.14, 4906.15, 4906.98, and 4906.99 of

mental protection agency. In all such actions and proceedings, the environmental protection agency, upon application to the court, shall be substituted as a party.

SECTION 7. The director of environmental protection, appointed under section 121.03 of the Revised Code, shall be classified under section 143.09 of the Revised Code and assigned to pay range forty-six, step one. Each member of the environmental board of review, appointed under section 3745.02 of the Revised Code, shall be classified under section 143.09 of the Revised Code and assigned to pay range forty-four, step one, designated with a letter (S), and shall not receive step advancements.

CHARLES F. KURFESS,
Speaker of the House of Representatives.

THEODORE M. GRAY,
President Pro Tem of the Senate.

Passed July 6, 1972.

Approved July 24, 1972.

JOHN J. GILLIGAN,
Governor.

The sectional numbers herein are in conformity with the Revised Code. Sections 3, 4, 5, 6, and 7 herein require no code sectional number.

OHIO LEGISLATIVE SERVICE COMMISSION
DAVID A. JOHNSTON, *Director.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 24th day of July, A. D. 1972.

I hereby certify that the foregoing is a true copy of the enrolled bill.


TED W. BROWN,
Secretary of State.

File No. 333.

Effective October 23, 1972.

SECTION 4. For the purpose of succession to all functions, powers, duties, and obligations of departments, agencies, boards, commissions, and directors or commissioners thereof, transferred and assigned to, devolved upon and assumed by the environmental protection agency pursuant to this act, the agency shall be deemed and held to constitute the continuation of such departments, commissions, boards and other agencies.

Any business or other matter undertaken or commenced by departments, commissions, boards, or other agencies or the commissioners or directors thereof, pertaining to or connected with the functions, powers, obligations, and duties hereby transferred and assigned, and pending on the effective date of this act, shall be conducted and completed by the environmental protection agency in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by such departments, commissions, boards, or other agencies or commissioners and directors thereof.

All rules, regulations, acts, determinations, and decisions of departments, commissions, boards, or other agencies and commissioners and directors thereof pertaining to the functions transferred and assigned by this act to the environmental protection agency in force at the time of such transfer, assignment, assumption, or devolution shall continue in force and effect as rules, regulations, acts, determinations, and decisions of the environmental protection agency until duly modified or repealed by the environmental protection agency.

Wherever the departments, commissions, boards, or other agencies or commissioners and directors thereof, the functions, powers, obligations and duties of which are transferred by this act to the environmental protection agency, are referred to or designated in any law, contract, or document pertaining to the functions, powers, obligations, and duties hereby transferred and assigned, such reference or designation shall be deemed to refer to the environmental protection agency or the director of environmental protection as may be appropriate.

SECTION 5. No existing right or remedy of any character shall be lost, impaired, or affected by reason of this act, except insofar as such rights and remedies shall be administered by the environmental protection agency in lieu of a predecessor department or board.

SECTION 6. No action or proceeding pending at the time this act takes effect, brought by or against the departments, commissions, boards, or other agencies or commissioners and directors thereof, the functions, powers, obligations, and duties of which are transferred by this act to the environmental protection agency shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the director of environ-

the Revised Code be enacted, and section 3 of Amended Substitute Senate Bill 370, passed by the 109th General Assembly and signed by the Governor to be effective December 23, 1971, to read as follows:

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The department of finance, which shall be administered by the director of finance;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of public works, which shall be administered by the superintendent of public works as director thereof;

(D) The department of highways, which shall be administered by the director of highways;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of industrial relations, which shall be administered by the director of industrial relations;

(I) The department of public welfare, which shall be administered by the director of public welfare;

(J) The department of liquor control, which shall be administered by the director of liquor control;

(K) The department of highway safety, which shall be administered by the director of highway safety;

(L) The department of mental ~~[hygiene and correction]~~ HEALTH AND MENTAL RETARDATION, which shall be administered by the director of mental ~~[hygiene and correction]~~ HEALTH AND MENTAL RETARDATION;

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;

(N) The department of ECONOMIC AND COMMUNITY development, which shall be administered by the director of ECONOMIC AND COMMUNITY development;

(O) The youth commission, which shall be administered by the director of the youth commission;

~~[(P)]~~ The department of urban affairs which shall be administered by the director of urban affairs;

(P) ~~[(Q)]~~ THE DEPARTMENT OF REHABILITATION AND CORRECTION, WHICH SHALL BE ADMINISTERED BY THE DIRECTOR OF CORRECTION;

(Q) THE ENVIRONMENTAL PROTECTION AGENCY, WHICH SHALL BE ADMINISTERED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. (A) The following administrative department heads shall be appointed by the governor, with the ADVICE AND consent of the senate, and shall hold their offices during the term of the appointing governor but subject to removal at the pleasure of the governor:

- (1) The director of finance;
- (2) The director of commerce;
- (3) The director of [highways] TRANSPORTATION;
- (4) The director of agriculture;
- (5) The director of industrial relations;
- (6) The director of public welfare;
- (7) The director of liquor control;
- (8) The director of highway safety;
- (9) The superintendent of insurance;
- (10) The director of ECONOMIC AND COMMUNITY development;
- (11) The tax commissioner;
- (12) The director of state personnel;
- (13) The administrator of workmen's compensation;
- (14) The administrator of the bureau of employment services;
- (15) The director of natural resources;
- (16) The director of mental [hygiene and correction] HEALTH AND MENTAL RETARDATION;
- (17) The director of health;
- (18) The director of the youth commission;
- [(-19) The director of urban affairs;]
- (19) [(-20)] THE DIRECTOR OF REHABILITATION AND CORRECTION;
- (20) THE DIRECTOR OF ENVIRONMENTAL PROTECTION.

(B) The director of public works shall be appointed by the governor, with the ADVICE AND consent of the senate, and shall hold his office for a term of one year from date of appointment.

Sec. 343.01. (A) Any board of county commissioners may, by resolution, lay out, establish, and maintain one or more garbage and refuse disposal districts within its respective county, and may cause such surveys as are necessary to be made by a competent sanitary engineer, for the determination of the proper boundaries of such districts. The boundaries of any such district may include

SECTION 2. That existing sections 121.02, 121.03, 343.01, 921.52, 1501.04, 1501.16, 1501.20, 1501.201, 1505.07, 1507.04, 1509.081, 1511.02, 1515.08, 1521.04, 1521.05, 1541.21, 1547.32, 1547.33, 1547.331, 1547.99, 2933.21, 2933.22, 2933.24, 3701.18, 3701.19, 3701.20, 3701.22, 3701.99, 3704.03, 3704.031, 3704.032, 3704.04, 3704.05, 3704.06, 3704.07, 3704.08, 3704.09, 3704.11, 3704.99, 3706.02, 3707.42, 3707.46, 3734.01, 3734.02, 3734.05, 3734.09, 3734.10, 3767.33, 4903.20, 4903.22, 4903.23, 6101.061, 6101.13, 6101.19, 6101.39, 6101.451, 6103.02, 6103.03, 6103.17, 6103.19, 6103.22, 6105.12, 6105.14, 6111.03, 6111.04, 6111.041, 6111.05, 6111.06, 6111.07, 6111.12, 6111.13, 6111.14, 6111.15, 6111.16, 6111.17, 6111.18, 6111.19, 6111.20, 6111.23, 6111.28, 6111.29, 6111.30, 6111.31, 6111.32, 6111.39, 6111.40, 6111.99, 6112.02, 6112.03, 6112.04, 6113.02, 6115.07, 6115.16, 6115.23, 6115.40, 6117.01, 6117.04, 6117.09, 6117.34, 6117.36, 6117.42, 6117.46, 6119.04, 6119.08, 6119.35, 6121.02, 6121.03, 6121.041, 6121.05, and 6161.02, and sections 1521.13, 1521.99, 1525.01, 1525.02, 1525.03, 1525.04, 1525.05, 1525.06, 3701.041, 3701.21, 3701.59, 3704.02, 6103.18, 6111.02, 6111.031, 6111.21, 6111.22, 6111.24, 6111.25, 6111.26, 6111.27, 6111.33, and 6117.35 of the Revised Code, and section 3 of Amended Substitute Senate Bill 370 passed by the 109th General Assembly and signed by the Governor to be effective December 23, 1971, are hereby repealed.

SECTION 3. The air pollution control board, the water pollution control board, and the Ohio water commission are hereby abolished on the effective date of this act. The abolishment of the boards and the commission, and the transfer of functions, employees, and appropriated funds to the environmental protection agency pursuant to this act shall not affect the civil service status of any employee.

All employees of the department of natural resources and the department of health who are engaged in carrying out such functions as may be necessary for the exercise of the functions of the environmental protection agency are hereby transferred to the environmental protection agency. Employees hereby transferred shall retain their respective civil service classifications and status. For the purpose of determining the employees holding certified appointment in competitive class positions to be transferred, such employees shall be selected in each class of positions in the order of their original appointment, with due regard to the right of preference in retention of disabled and nondisabled veterans. Any such employee who, at the time of such transfer, has a temporary or provisional appointment shall be transferred subject to the same right of removal, examination, or termination as though such transfer had not been made. Employees holding permanent appointments in competitive class positions who are not transferred pursuant to this section shall have their names entered upon an appropriate preferred list for reinstatement pursuant to section 143.25 of the Revised Code.

Sec. 6121.05. With the approval and the consent of the controlling board, the director of natural resources [~~or the director of health~~] shall expend, out of any funds available for the purpose, such moneys as are necessary for the study of any proposed water development project, and may use its engineering and other forces, including consulting engineers and sanitary engineers, for the purpose of effecting such study. All such expenses incurred by such directors prior to the issuance of water development revenue bonds or notes under Chapter 6121. of the Revised Code, shall be paid by the respective directors incurring such expenses and charged to the appropriate water development project, and the respective directors shall keep proper records and accounts, showing the amounts so charged. Upon the sale of water development revenue bonds or notes for a water development project, the funds so expended by the respective directors, with the approval of the Ohio water development authority, in connection with such project, shall be reimbursed to the respective departments from the proceeds of such bonds or notes.

Sec. 6161.02. In pursuance of Article IV of the compact, as set forth in section 6161.01 of the Revised Code, there shall be five commissioners on the great lakes commission from this state.

One of the commissioners shall be the director of the department of natural resources, one [~~of whom~~] SHALL BE THE DIRECTOR OF ENVIRONMENTAL PROTECTION, ONE shall be a member of the senate who shall be appointed by the president pro tempore of the senate, one [~~of whom~~] shall be a member of the house of representatives who shall be appointed by the speaker of the house of representatives, to serve for two-year terms respectively, and [~~two~~] ONE shall be appointed by the governor to serve at his pleasure. The [~~commissioners~~] COMMISSIONER appointed by the governor shall be [~~persons~~] A PERSON qualified by experience and training in the areas set forth in the purpose clauses of the compact. In order to fully effectuate these purposes the members of the state commission shall appoint advisory committees similar to the committees of the commission. Members of said advisory committees may not vote on matters considered by the state commission.

Members of the state commission shall be reimbursed for their actual and necessary expenses incurred in attendance at official meetings of the commission and its committees.

Sec. 3 (of Amended Substitute Senate Bill 370, effective December 23, 1971). The [~~Air Pollution Control Board~~] ENVIRONMENTAL PROTECTION AGENCY shall ascertain what motor vehicle emission control measures are necessary to achieve ambient air quality standards in this state, identify the alternative methods and estimate the costs of inspecting and testing motor vehicles in this state to insure compliance with emission limitations, and report its findings and recommendations to the 110th General Assembly.

the entire county, may be revised from time to time, and may include a part or all of the territory within a municipal corporation when authorized by ordinance of the legislative authority of such municipal corporation. Each such district shall be designated by an appropriate name or number. The board may acquire, by purchase or lease, construct, improve, enlarge, replace, maintain, and operate such garbage and refuse collection systems within any such district and such garbage and refuse disposal plants and facilities within or without any such district as are necessary for the protection of the public health.

The sanitary engineer or sanitary engineering department of such county shall, in addition to other duties assigned to such engineer or department, assist the board in the performance of its duties under sections 343.01 to 343.08 [~~inclusive~~] of the Revised Code, and shall be charged with such other duties and services in relation thereto as the board prescribes. The board may employ registered professional engineers to assist the sanitary engineer in such duties and the board may also employ financial advisers and such other professional services as it deems necessary to assist it in the construction, financing, and maintenance of garbage and refuse collection or disposal facilities. Such contracts of employment shall not require the certificate provided in section 5705.41 of the Revised Code. Payment for such services may be made from the general fund or any other fund legally available for such use at such times as are agreed upon or as determined by the board, which funds may be reimbursed from the proceeds of bonds or notes issued to pay the cost of any improvement to which such services related.

The board may issue bonds or bond anticipation notes of the county to pay the cost of preparing general and detailed plans and other data required for the construction of garbage and refuse disposal facilities. Such bonds and notes shall be issued in accordance with sections 133.01 to 133.65 [~~inclusive~~] of the Revised Code, except that the maximum maturity of bonds issued for such purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of such garbage and refuse disposal facilities or to pay the cost of such plans and other data.

The board may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of garbage and refuse collection and disposal facilities. Such rules and regulations shall not be inconsistent with the rules and regulations of the [~~department of health~~] DIRECTOR OF ENVIRONMENTAL PROTECTION. No garbage and refuse disposal system plant or facilities shall be constructed in any county outside municipal corporations by any person, firm, or corporation until the plans and specifications for such plant or facilities have been approved by the board. Such construction shall be done under the supervision of the county sanitary engineer, and any person, firm, or corporation, proposing or constructing such improvements, shall pay to the county all expenses incurred by the board in connection therewith.

The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for the laying out of garbage and refuse disposal districts or for designing disposal plants or facilities. No person, firm, or corporation shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for such purpose. The board shall, if actual damage is done to property by the making of such surveys and examinations, pay the reasonable value of such damage to the owner of the property damaged, and such cost shall be included in the financing of the improvement for which such surveys and examinations are made.

The board may enter into a contract with any individual, partnership, or private corporation for the operation and maintenance of any such facilities, regardless of whether such facilities are owned or leased by the county or the contractor.

(B) No person shall tamper with or damage any garbage and refuse disposal plant or facilities constructed under sections 343.01 to 343.08 [~~inclusive~~], of the Revised Code, or any apparatus or accessory connected therewith or pertaining thereto, or fail or refuse to comply with the rules and regulations prescribed by such board, or refuse to permit the inspection or examination by the sanitary engineer. All fines imposed and collected shall be paid into the county treasury and credited to the improvement or maintenance fund of such district as the board directs.

Sec. 921.52. There is hereby created an interagency pesticide advisory council consisting of the director of agriculture or his designee, who shall serve as chairman, the director of health, the director of natural resources, THE DIRECTOR OF ENVIRONMENTAL PROTECTION, the dean of the college of agriculture of the Ohio state university, the dean of the college of biological sciences of the Ohio state university, and the director of the Ohio agricultural research and development center, or their designated representatives, one member of the house of representatives and one member of the senate who are not members of the same political party and who shall be designated by the speaker of the house and the president pro tempore of the senate, to formulate general policies and coordinate efforts among state agencies in implementing sections 921.41 to 921.53 [~~inclusive~~], of the Revised Code. The council shall meet at least twice a year to review policies, procedures, and existing legislation pertaining to pesticides.

Sec. 1501.04. There is hereby created in the department of natural resources, a recreation and resources commission composed of the chairman of the wildlife council created under section 1531.03 of the Revised Code, the chairman of the parks and recreation council created under section 1541.40 of the Revised Code, the chairman of the waterways safety council created under section 1547.73 of the Revised Code, [~~the chairman of the Ohio water commission created under section 1525.02 of the Revised Code;~~] the chairman of the technical advisory council on oil and gas created under section 1509.38 of the Revised Code, the chairman of the forestry

to a proposed rate, rental, or charge. The order may fix and impose rates, rentals, or charges upon the users of, or the persons or property served by, a waste water facility or project, or upon any governmental agency or person in the area for the provision of waste water facilities services to the governmental agency or person by the authority. Such rates, rentals, or charges shall be sufficient to cover all costs, including the recovery of the capital costs and debt service expenses of the authority for waste water facility services in the area, and any debt service on obligations in effect at the time of the order. No portion of the cost of acquisition of a waste water facility by appropriation may be charged against the governmental agency from which the facility was acquired. The authority may recover a portion of such acquisition cost from the users served and property benefited by the facility at the time of acquisition. The authority shall determine the portion of such cost to be recovered from users served and property benefited at the time of acquisition on the basis of the volume and degree of treatment of sewage, industrial wastes, and other wastes from such users and property, in relation to the volume and degree of treatment of sewage, industrial waste, and other wastes from other parts of the waste water facilities service area. The order may impose any terms and conditions in the area that the authority deems necessary for the provision of such services. The authority shall mail a copy of any order or change thereto made under this section to the chief executive and fiscal officer of each governmental agency and each other person served or affected.

Each governmental agency or person subject to a rate, rental, or charge shall pay the charges when due in accordance with the order. Every officer responsible for the administration or operation of a waste water facility subject to such order and every employee thereof shall carry out the order.

The authority may appropriate property within a waste water facilities service area, including government owned waste water facilities, in accordance with Chapter 163. of the Revised Code, if the authority considers such appropriation necessary for carrying out the purposes of this section. No person shall interfere with an officer or employee of the Ohio water development authority in the care and operation of a waste water facility appropriated by the authority.

The consideration received by a governmental agency for its property which is appropriated under this section shall be placed in a separate fund which may be used by its legislative authority or governing body only for one or more of the following purposes:

(A) Credits against rates, rentals, or other charges imposed by the authority upon the agency, the users served, and property benefited by the facility, or against rates, rentals, and other charges imposed by the agency against the users served and property benefited by the facility;

(B) Construction or improvement of waste water facilities by the agency or the authority.

resources or in the process of preparation by such director and to be not inconsistent with the standards set for the waters of the state affected thereby by the [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION. Any resolution of the authority providing for acquiring or constructing such projects or for making a loan or grant for such projects shall include a finding by the authority that such determinations have been made.

Sec. 6121.041. If the [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION refuses to renew or extend the period of a permit to a governmental agency or person operating a disposal system which receives sewage from a residential area, for the reason that the permit holder has failed to comply with an order of the [board] DIRECTOR and has been in default for a period of at least one hundred eighty days, and the [board] DIRECTOR finds that the former permit holder is creating a public nuisance under section 6111.04 of the Revised Code which adversely affects residents of a political subdivision, other than the one served by the disposal system which is in default, by affecting the properties of waters of the state in a manner which renders such waters harmful or inimical to the public health, animal or aquatic life, or the use of such waters for domestic water supply, industrial or agricultural purposes, or for recreation, the [board] DIRECTOR may request the Ohio water development authority to establish a waste water facilities service area for the purpose of eliminating such nuisance. Upon receipt of the request the authority may issue orders designating a waste water facilities service area. The area shall include the waste water facilities of one or more former permit holders who are in default and the waste water facilities of all persons or governmental agencies served by such facilities, and may include any contiguous territory not served by waste water facilities that the authority determines to be desirable to include in the area in order to achieve the most efficient and economical waste disposal and treatment in the area, and any other governmental agency or person that enters an agreement with the authority to join. The order may not include facilities or territory served by waste water facilities which are in compliance with the orders of the board and the terms and conditions of a permit unless agreed to by the person or governmental agency holding the permit. In determining the areas to be served and designing facilities therefor, the authority shall consider technical feasibility and economic reasonableness in order to conserve water resources, maximize the economies of scale of regional or combined treatment facilities, and attain applicable water quality standards at reasonable cost. The authority may modify or revoke its orders in order to achieve the purposes of this section.

Before issuing, modifying, or revoking any such order, the authority shall hold a public hearing within the area and give at least twenty-one days notice of the hearing and a copy of the proposed order or changes thereto to the chief executive and fiscal officer of each governmental agency and each other person subject

advisory council created under section 1503.40 of the Revised Code, the chairman of the Ohio soil and water conservation commission created by section 1515.02 of the Revised Code, the chairman of the Ohio natural areas council created under section 1517.03 of the Revised Code, and five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall belong to the same political party. The director of natural resources shall be an ex officio member of the commission, with a voice in its deliberations, but without the power to vote.

The members of the commission first appointed by the governor shall be appointed for original terms as follows: one for a term ending on the first Monday of February, 1964; one for a term ending on the first Monday of February, 1965; one for a term ending on the first Monday of February, 1966; one for a term ending on the first Monday of February, 1967; and one for a term ending on the first Monday of February, 1968. Annually thereafter, as the term of a member of the commission expires, his successor shall be appointed by the governor with the advice and consent of the senate to serve for a term of five years, commencing on the first Monday of February in that year.

In the event of the death, removal, resignation, or incapacity of a member of the commission, the governor, with the advice and consent of the senate, shall appoint a successor to fill the unexpired term.

The governor may remove any appointed member of the commission for misfeasance, nonfeasance, or malfeasance in office.

The commission shall exercise no administrative function but may:

(A) Advise with and recommend to the director of natural resources as to plans and programs for the management, development, utilization, and conservation of the natural resources of the state;

(B) Advise with and recommend to the director as to methods of co-ordinating the work of the divisions of the department;

(C) Consider and make recommendations upon any matter which the director may submit to it;

(D) Submit to the governor biennially recommendations for amendments to the conservation laws of the state.

Before entering upon the discharge of his duties, each member of the commission shall take and subscribe to an oath of office, which oath, in writing, shall be filed in the office of the secretary of state.

The members of the commission shall serve without compensation but shall be entitled to receive their actual and necessary expenses incurred in the performance of their official duties.

The commission shall, by a majority vote of all its members, adopt and amend bylaws.

To be eligible for appointment, a person shall be a citizen of the United States, an elector of the state, and possess a knowledge of and have an interest in the natural resources of this state.

The commission shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the commission provide. Notices of all meetings shall be given in such manner as the bylaws provide. The commission shall choose annually from among its members a chairman to preside over its meetings and a secretary to keep a record of its proceedings. A majority of the members of the commission constitutes a quorum. No advice shall be given or recommendation made without a majority of the members of the commission concurring therein.

Sec. 1501.16. As used in sections 1501.16 to 1501.19 of the Revised Code, "watercourse" means a substantially natural channel with recognized banks and bottom, in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length. The director of natural resources may create, supervise, operate, protect, and maintain wild, scenic, and recreational river areas, under the classifications contained in section 1501.161 of the Revised Code. The director may prepare and maintain a plan for the establishment, development, use, and administration of such areas as a part of the comprehensive state plans for water management and outdoor recreation. The director may cooperate with federal agencies administering any federal program concerning wild, scenic, or recreational river areas.

The director may propose for establishment as a wild, scenic, or recreational river area a part or parts of any watercourse in this state, with adjacent lands, which in his judgment possesses water conservation, scenic, fish, wildlife, historic, or outdoor recreation values which should be preserved, using the classifications contained in section 1501.161 of the Revised Code. The area shall include lands adjacent to the watercourse in sufficient width to preserve, protect, and develop the natural character of the watercourse, but may not include any lands more than one thousand feet from the normal waterlines of the watercourse unless an additional width is necessary to preserve water conservation, scenic, fish, wildlife, historic, or outdoor recreation values.

The director shall publish his intention to declare an area a wild, scenic, or recreational river area at least once in a newspaper of general circulation in each county, any part of which is within the area, and shall send written notice of such intention to the legislative authority of each county, township, and municipal corporation and to each conservancy district, any part of which is within the area, and to the director of highways, the director of ECONOMIC AND COMMUNITY development, the director of public works, AND the director of [health, and the water pollution control board] ENVIRONMENTAL PROTECTION. Such notices shall include a copy of a map and description of the area.

After thirty days from the last date of publication or dispatch

The authority shall elect one of its appointed members as chairman and another as vice-chairman, and shall appoint a secretary-treasurer who need not be a member of the authority. Four members of the authority shall constitute a quorum, and the affirmative vote of four members shall be necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the authority.

Before the issuance of any water development revenue bonds under Chapter 6121. of the Revised Code, each appointed member of the authority shall give a surety bond to the state in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of the office, to be executed by a surety company authorized to transact business in this state, and to be approved by the governor and filed in the office of the secretary of state. Each appointed member of the authority shall receive an annual salary of five thousand dollars, payable in monthly installments. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out such sections shall be payable solely from funds provided under Chapter 6121. of the Revised Code, or appropriated for such purpose by the general assembly and no liability or obligation shall be incurred by the authority beyond the extent to which moneys have been provided under such sections or such appropriations.

Sec. 6121.03. It is hereby declared to be the public policy of the state through the establishment, operation, and maintenance of water development projects as provided in Chapter 6121. of the Revised Code, to preserve, protect, upgrade, conserve, develop, utilize and manage the water resources of the state, to prevent or abate the pollution of water resources, to promote the beneficial use of waters of the state for the protection and preservation of the health, safety, convenience, and welfare, the improvement of the economic welfare and employment opportunities of and the creation of jobs for the people of the state, and to assist and cooperate with governmental agencies in achieving such purposes. In furtherance of such public policy the Ohio water development authority may initiate, acquire, construct, maintain, repair and operate water development projects or cause the same to be operated pursuant to a lease, sublease, or agreement with any person or governmental agency; may make loans and grants to governmental agencies for the acquisition or construction of waste water or water management facilities by such governmental agencies; and may issue water development revenue bonds of this state payable solely from revenues, to pay the cost of such projects. Any water development project shall be determined by the authority to be consistent with any applicable comprehensive plan of water management approved by the director of natural

tions shall be liable for damage caused by such failure and for the cost of restoring or replacing any construction damaged or destroyed.

Sec. 6119.35. Upon the completion of plans for the proper purification, filtration, and distribution of water or proper collection and treatment of ~~[sewage]~~ SEWERAGE, the board of county commissioners, the regional planning commission, the county planning commission, or any regional water and sewer district which has prepared such plans shall file a copy thereof with the ~~[department of health]~~ ENVIRONMENTAL PROTECTION AGENCY, which may approve or reject any provisions thereof. IN DECIDING WHETHER TO APPROVE OR REJECT THE PLAN, THE AGENCY SHALL CONSIDER, AMONG OTHER FACTORS, THE PROTECTION OF THE PUBLIC HEALTH, AND COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS AND REGULATIONS AND SOLID WASTE DISPOSAL REQUIREMENTS. If such ~~[department]~~ AGENCY rejects such plans or refers them back for amendment, other or amended plans shall be prepared. If the ~~[department]~~ AGENCY approves such plans, it shall certify a copy of its action and thereafter any district may proceed to carry such plans into effect.

Sec. 6121.02. There is hereby created the Ohio water development authority. Such authority is a body both corporate and politic in this state, and the carrying out of its purposes and the exercise by it of the powers conferred by Chapter 6121. of the Revised Code shall be held to be, and are hereby determined to be, essential governmental functions and public purposes of the state, but the authority is not immune from liability by reason thereof.

The authority shall consist of seven members as follows: five members appointed by the governor, with the advice and consent of the senate, no more than three of whom shall be members of the same political party, and the director of natural resources and the director of ~~[health]~~ ENVIRONMENTAL PROTECTION who shall be members ex officio without compensation. The appointive members shall be residents of the state, and shall have been qualified electors therein for a period of at least five years next preceding their appointment. The members of the authority first appointed shall continue in office for terms expiring on July 1, 1969, July 1, 1971, July 1, 1973, July 1, 1975, and July 1, 1976, respectively, the term of each member to be designated by the governor. The successor of each such member shall be appointed for a term of eight years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. A member of the authority is eligible for reappointment. Each appointed member of the authority, before entering upon his duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor may at any time remove any member of the authority for misfeasance, nonfeasance, or malfeasance in office.

of written notice as required in this section, the director shall enter a declaration in his journal that the area is a wild, scenic, or recreational river area. When so entered, the area is a wild, scenic, or recreational river area. The director, after thirty days notice as prescribed in this section and upon approval of the recreation and resources commission, may terminate the status of an area as a wild, scenic, or recreational river area by an entry in his journal.

Declaration by the director that an area is a wild, scenic, or recreational river area does not authorize the director or any governmental agency or political subdivision to restrict the use of land by the owner thereof or any person acting under his authority, or to enter upon such land.

Sec. ~~[1501.201]~~ 1501.20. The Ohio soil and water conservation commission shall recommend to the director of natural resources a procedure for coordination of a program of agricultural pollution abatement and urban sedimentary pollution control. Implementation of such a program shall be based on the standards for air and water quality determined by the ~~[Ohio air pollution control board and the Ohio water pollution control board]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION. The director of natural resources shall, through the division of soil and water districts, coordinate the efforts of state and local governmental agencies to meet the minimum state air and water quality standards relating to agricultural pollutants and urban sedimentary pollutants. THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL UTILIZE THE DEPARTMENT OF NATURAL RESOURCES, THE DIVISION OF SOIL AND WATER DISTRICTS, AND LOCAL SOIL AND WATER CONSERVATION DISTRICTS IN ENCOURAGING LANDOWNER ABATEMENT OF AGRICULTURAL POLLUTION AND URBAN SEDIMENT POLLUTION.

Sec. 1501.21. THE DIRECTOR OF NATURAL RESOURCES MAY MAKE LOANS AND GRANTS TO GOVERNMENTAL AGENCIES FOR WATER MANAGEMENT AND MAY ADMINISTER GRANTS FROM THE FEDERAL GOVERNMENT AND FROM OTHER SOURCES, PUBLIC OR PRIVATE, FOR CARRYING OUT WATER MANAGEMENT FUNCTIONS, AND FOR THE PERFORMANCE OF ANY ACTS WHICH MAY BE REQUIRED BY THE UNITED STATES OR BY ANY AGENCY OR DEPARTMENT THEREOF AS A CONDITION FOR THE PARTICIPATION BY ANY GOVERNMENTAL AGENCY IN ANY FEDERAL FINANCIAL OR TECHNICAL ASSISTANCE PROGRAM.

THE DIRECTOR MAY ACQUIRE, CONSTRUCT, RECONSTRUCT, IMPROVE, EQUIP, MAINTAIN, OPERATE, AND DISPOSE OF WATER MANAGEMENT IMPROVEMENTS. HE MAY FIX, ALTER, CHARGE, AND COLLECT RATES, FEES, RENTALS, AND OTHER CHARGES TO BE PAID BY GOVERNMENTAL AGENCIES AND PERSONS WHO ARE SUPPLIED WITH WATER OR PROVIDED SEWERAGE, SEWAGE, OR WASTE DISPOSAL SERVICES BY FACILITIES CONSTRUCTED

OR OPERATED BY THE DEPARTMENT OF NATURAL RESOURCES IN ORDER TO AMORTIZE AND DEFRAY THE COST OF CONSTRUCTION, MAINTENANCE, AND OPERATION OF SUCH FACILITIES.

Sec. 1505.07. Subject to the limitation set forth in section 1505.08 of the Revised Code, the ~~[chief of the division of geological survey]~~ DIRECTOR OF NATURAL RESOURCES, with the approval of the director of ~~[natural resources]~~ ENVIRONMENTAL PROTECTION, the attorney general, and the governor, may issue permits and make leases to parties making application, for permission to take and remove sand, gravel, stone, gas, oil, and other minerals or other substances from and under the bed of Lake Erie, either upon a royalty or rental basis, as he deems best for the state ~~[; except that no]~~. NO such permit shall be issued or lease made to take or remove gas or oil until July 1, ~~[1972]~~ 1974. Such permits shall be issued for terms of not less than one year nor more than ten years, and such leases shall be for a term of years or until the economic extraction of the mineral or other substance covered thereby has been completed. Such taking and removal shall be within certain fixed boundaries that do not conflict with the rights of littoral owners. Upon request from the holder of such permit, it shall be cancelled, but in the case of any permit or lease, any equipment or buildings owned by the permittee or lessee shall be held as security by the ~~[chief]~~ DIRECTOR OF NATURAL RESOURCES for payment of all rentals or royalties due the state at the time of cancellation.

No person shall remove sand, gravel, stone, or other minerals or other substances from and under the bed of Lake Erie without first obtaining a permit or lease therefor from the ~~[chief]~~ DIRECTOR.

Sec. 1507.04. All moneys derived from the granting of permits and leases pursuant to section 1505.07 of the Revised Code for the removal of sand, gravel, stone, gas, oil, and other minerals and substances from and under the bed of Lake Erie shall be paid ~~[by the division of geological survey]~~ into the permit and lease rotary fund hereby created, and said rotary fund shall be administered by the department of natural resources for purposes of protection of Lake Erie shores and waters, and the prevention of erosion, investigations therefor, and for planning, development, and construction of facilities for recreational use of Lake Erie, pursuant to appropriations of the general assembly.

Sec. 1509.081. Upon receipt of an application for a permit to drill a new well, drill an existing well deeper, reopen a well, or use a well for injection of a liquid for which a permit is required by section 1509.051 of the Revised Code, other than one which comes within the requirements of ~~[sections]~~ SECTION 1509.21 or 1509.22 of the Revised Code, the chief of the division of oil and gas shall determine whether the proposed injection would present an unreasonable risk that waste or contamination of oil or gas in the

pated to be derived by such municipal corporation or such county from the establishment of the district at such times as requested by the district and authorized by such legislative authority or such board and pursuant to an agreement between the district and such municipality or such county setting forth whether and when such sums shall be repaid. Such sums when paid to the district at any time after the preliminary order of the court shall be used by the district for its purposes in the preparation of a plan for the operation of the district and for other purposes of the district. The district shall keep proper records showing the amount so advanced and disbursed. If the court orders the district dissolved as permitted in this section, the interest any municipality or board of county commissioners has in the assets of the district shall be limited to those assets remaining after the payment of all other liabilities of the district.

Sec. 6119.08. In order to accomplish the purposes of a regional water and sewer district, to protect its projects, to secure the best results from the construction, operation, and maintenance thereof, and to prevent damage by the misuse of any such projects or by the pollution or misuse of the waters of the state within the district or without the district and served or affected by a project or projects of the district, the board of trustees may make and enforce such rules and regulations as are necessary and advisable:

(A) To protect and preserve the projects of such district, prescribe the manner of their use by any person or political subdivision and preserve order within and adjacent thereto;

(B) To prescribe the manner in which ditches, sewers, pipelines, or other works shall be adjusted to or connected with the projects of the district and the manner in which waste is disposed of within the district;

(C) To prescribe the permissible uses of the water supply and the manner of its distribution and to prevent the pollution or unnecessary waste of such water supply;

(D) To prohibit or regulate the discharge into the waste water facilities of the district of any liquid or solid waste detrimental to its works and improvements.

Such rules and regulations shall not be inconsistent with the laws of the state or the rules and regulations or requirements of the ~~[department of health]~~ ENVIRONMENTAL PROTECTION AGENCY.

The board may enforce by mandamus, injunction, or other legal remedy rules and regulations made by it pursuant to this section, and may remove any harmful or improper construction or obstruction or may close any opening or connection made improperly or in violation of such rules and regulations. The board may bring such suit in mandamus in the court of appeals in the first instance, if it deems it advisable. Any person or political subdivision which willfully fails to comply with such rules and regula-

tory described in the petition, to have some part or all of its territory included within the district;

(3) Grant a request filed by any party to the petition or intervening party to modify any request set forth in the petition, including:

(a) A reduction in the territory to be included within the district;

(b) Addition to or deletion of a purpose or purposes of the proposed district as set forth in the petition so long as the purposes that remain are those included within section 6119.01 of the Revised Code;

(c) The manner of selection, the number, the term, and the compensation of the members of the board of trustees; provided that after the filing of any intervening petition or request to modify, the court has fixed a time and place for a hearing thereof, such hearing to be held not less than sixty days after the filing thereof and the clerk of the court of the common pleas has given notice as required in this section.

(C) Upon final hearing, whether or not a preliminary hearing is requested in the petition, if it appears that the proposed district is necessary, that it and the plan for the operation of the district is conducive to the public health, safety, convenience, and welfare and that the plan for the operation of the district is economical, feasible, fair, and reasonable, the court, after disposing of all objections as justice and equity require, shall by its findings, entered of record, declare the district finally and completely organized and to be, or to be empowered to continue as, a political subdivision. Thereupon the district shall have power to sue and be sued; to incur debts, liabilities, and obligations; to exercise the right of eminent domain and of taxation and assessment as provided in Chapter 6119. of the Revised Code; to issue bonds; and to perform all acts authorized in such sections and to execute and carry out the plan for the operation of the district and to amend, modify, change, or alter said plan as the board of trustees may from time to time determine necessary.

(D) If the court finds that the organization of the district is not necessary or will not be conducive to the public health, safety, convenience, or welfare, or that the plan for the operation of the district is not economical, feasible, fair, or reasonable, or if the district fails to file a plan for the operation of the district within the time prescribed by the court, it shall dismiss said proceedings and adjudge the costs against the petitioners, and if a preliminary order has been made organizing the district, the court shall declare said district dissolved and enter its order for the distribution of any and all assets that may be owned by the district after the payment of its liabilities.

Any municipality or board of county commissioners may advance to the district such sums of money as the legislative authority of the municipality or the board of county commissioners determines will not be in excess of the benefits that can be antici-

earth will occur. If he determines such risk to exist, he shall make an order rejecting the application. If he determines such risk not to exist, he shall transmit copies of the application and the map required by section 1509.06 of the Revised Code to the ~~[water pollution control board, the director of health]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION, the chief of the division of geological survey ~~[; the chief of the division of water]~~ and, if so required by section 1509.08 of the Revised Code, to the chief of the division of mines.

The chief of the division of geological survey shall approve the application unless he determines that the proposed injection would present an unreasonable risk of loss or damage to valuable mineral resources.

~~[The chief of the division of water shall make a report and recommendation to the director of natural resources.]~~

The ~~[water pollution control board]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION shall approve the application if ~~[it]~~ HE determines that the proposed injection will not cause pollution as defined in division (A) of section 6111.01 of the Revised Code.

Upon approval by the ~~[water pollution control board, the department of health under section 3701.19 of the Revised Code]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION, the chief of the division of geological survey, and by the chief of the division of mines if required by section 1509.08 of the Revised Code, the chief of the division of oil and gas shall issue a liquid disposal permit with such conditions as may be necessary to protect health, safety, or the conservation of natural resources, including all conditions appended by the ~~[water pollution control board and the department of health]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION.

If the chief is unable to obtain the required approvals, he shall issue an order denying the application. In an appeal from such an order where the application was denied because of lack of approval by an agency or agencies other than the division of oil and gas, the appeal shall be taken under section 119.12 of the Revised Code as if the order had been made by the agency whose approval is lacking.

The chief of the division of oil and gas may adopt rules and regulations for the administration and implementation of this section as may be necessary to protect health, safety, or the conservation of natural resources.

The chief may order that a liquid disposal permit be suspended and that operation cease if he determines that the well is being operated in violation of law, regulation, order, or condition of the permit. Upon service of a copy of the order upon the permit holder, his agent, or assignee, the permit and operations thereunder shall be immediately suspended without prior hearing, and shall remain suspended until the violation is corrected and the order of suspension is lifted. If a violation is the second within a one-year period, the chief may, after hearing, revoke the permit.

The chief may order that a liquid disposal permit be suspended

and that operations cease if he has reasonable cause to believe that the permit would not have been issued if information available at the time of suspension had been available at the time a determination was made by one of the agencies acting under authority of this section. Upon service of a copy of the order upon the permit holder, his agent, or assignee, the permit and operations thereunder shall be immediately suspended without prior hearing, but a permit may not be suspended for such reason without prior hearing unless immediate suspension is necessary to prevent waste or contamination of oil or gas, pollution as defined in division (A) of section 6111.01 of the Revised Code, damage to valuable mineral resources, or danger to human life or health. If after hearing the chief determines that the permit would not have been issued if the information available at the time of the hearing had been available at the time a determination was made by one of the agencies acting under authority of this section, he shall revoke the permit.

A revocation of permit shall not prejudice the right of the holder to obtain another permit. When a permit has been revoked, the permit holder or other person responsible therefor shall immediately plug the well.

In an appeal from an order of suspension or revocation where the order was made because of objection of an agency or agencies named in this section other than the division of oil or gas, the appeal shall be taken under section 119.12 of the Revised Code as if the order had been made by the agency upon whose objection the order was based.

Sec. 1511.02. The division of lands and soil may assemble information through the medium of any state department or agency or from any other source.

The division shall study and report on the lands, and the natural resources thereof, of the state which are available and suitable for state forests, recreational or scenic parks, or wildlife preserves, or which are of scientific, historical, or archaeological interest. The study shall include lakes, rivers, and streams suitable for recreational purposes or for the conservation and natural propagation of wildlife. [The authority on problems of sanitation and the disposal of waste vested with the department of health under laws existing on September 5, 1941, shall remain vested in such department.] This information shall be [compiled and submitted] PUBLISHED in a biennial report to the director of natural resources AND THE DIRECTOR OF ENVIRONMENTAL PROTECTION, AND MADE AVAILABLE TO THE PUBLIC. This section and section 1511.01 of the Revised Code do not authorize the division to survey, plan, consider, recommend, or otherwise examine into any project which has for its ultimate object or which may or will result in the establishment or the improvement of any natural or artificial waterway for transportation purposes.

Sec. 1515.08. The supervisors of a soil conservation district

ing or lying within an area affected by the organization of the district, on or before the date set for the cause to be heard, may file an objection to the granting of the requests made in the prayer of the petition.

(A) Upon a preliminary hearing, if it appears that the proposed district is probably necessary and that it will probably be conducive to the public health, safety, convenience, or welfare, the court after disposing of all objections as justice and equity require shall by its findings, entered of record, issue a preliminary order declaring the district to be organized and an independent political subdivision of the state with a corporate name designated in said order for the purpose of:

(1) The election or appointment of the board of trustees in the manner provided in the petition;

(2) The election, appointment, or employment of such officers, employees, accounting experts, engineers, attorneys, financial consultants, architects, other consultants and independent contractors or other persons as may be necessary to prepare a plan for the operation of the district;

(3) The collection of the funds in the manner provided in the petition to be used and disbursed by the district;

(4) The preparation of a plan for the operation of the district, and said district shall possess such powers as may be necessary to carry out said purposes.

Said preliminary order shall direct the district to file a plan for the operation of the district within six months from the date of said preliminary order or within such further time or times as the court may from time to time order.

Upon the filing by the district of a plan for the operation of the district, the court shall fix the time and place for a final hearing on the petition for the establishment of the proposed district and the plan for the operation of the district is filed in said proceeding. Said hearing shall be held not later than sixty days thereafter, and the clerk of the court of the common pleas shall again give notice thereof as required in this section. Any person or any political subdivision residing or lying within the area affected by the organization of the district or by the plan for the operation of the district, on or before the date set for the cause to be heard, may file any objections to the final organization of the district or the plan for the operation of the district.

(B) The court may upon good cause shown at any time before the granting of a final order:

(1) Grant a right to any municipal corporation or county acting in behalf of a sewer district within such county to become a party to such proceeding if such intervening party requests to have some part or all of its territory included within the district;

(2) Grant in part or in toto an intervening petition of a municipal corporation or a county acting in behalf of a sewer district within such county, which is not wholly included within terri-

corporation owning, constructing, or about to construct a sewer or sewage treatment or disposal works, to be jointly used, of the amount agreed upon by the county or municipal corporation so contracting for the joint use thereof. Any such county or municipal corporation owning, constructing, or agreeing to construct any such sewer improvement or sewage treatment works, as provided in sections 6117.41 to 6117.44 [~~;~~ inclusive,] of the Revised Code, and permitting the use thereof by such other county or municipal corporation, shall retain full control and management of the construction, maintenance, repair, and operation of such sewer improvement and sewage treatment or disposal works, except when conveyed to a municipal corporation as provided in this section. Any such contract before going into effect shall be approved by the [~~department of health~~] DIRECTOR OF ENVIRONMENTAL PROTECTION. Any completed sewer improvement or sewage treatment works constructed under sections 6117.01 to 6117.45 [~~;~~ inclusive,] of the Revised Code, for the use of any sewer district and located within any municipal corporation or within any area which may be annexed to or incorporated as a municipal corporation, may by mutual agreement between the board of county commissioners and such municipal corporation be conveyed to such municipal corporation, which shall thereafter maintain and operate such sewer improvement or sewage treatment works. The board may retain the right to joint use of such sewers or treatment works for the benefit of the district. The validity of any assessments levied to provide means for the payment of the cost of construction or maintenance of such sewer improvement or sewage treatment works or any part thereof shall not be affected by such conveyance.

Sec. 6117.46. When the [~~department of health~~] DIRECTOR OF ENVIRONMENTAL PROTECTION finds that a trunk or main sewer is necessary in a county for sanitary purposes, the board of county commissioners of such county may make surveys thereof and prepare plans and specifications thereof. Upon approval by the [~~department~~] DIRECTOR of such plans and specifications, the board may construct and maintain said trunk or main sewer or part thereof within or without the limits of a municipal corporation, regulate the tapping thereof by lateral sewers, and prescribe the conditions of such tapping.

Sec. 6119.04. The court of common pleas constituted as provided in section 6119.03 of the Revised Code, at its first meeting, shall fix the time and place of a hearing on the petition for the establishment of the proposed regional water and sewer district and such hearing shall be either preliminary or final as the petition may request. Such hearing shall be held not later than sixty days thereafter, and the clerk of the court shall give notice thereof by publication once each week for four consecutive weeks in a newspaper having a general circulation in each of the counties, in whole or in part, within the district. THE CLERK SHALL SEND NOTICE BY CERTIFIED MAIL TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION. Any person or any political subdivision resid-

or a soil and water conservation district have the following powers in addition to their other powers:

(A) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, and the preventive and control measures and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water needed within the district, and to publish the results of such surveys, investigations, or research, provided that no district shall initiate any research program except in cooperation or after consultation with the Ohio agricultural research and development center;

(B) To develop plans for the conservation of soil resources and for the control and prevention of soil erosion and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water within the district, and to publish such plans and information;

(C) To implement, construct, repair, maintain, and operate preventive and control measures and other works of improvement for natural resource conservation and development and flood prevention, and the conservation, development, utilization, and disposal of water within the district on lands owned or controlled by this state or any of its agencies and on any other lands within the district, which works may include any facilities authorized under state or federal programs, and to acquire, by purchase or gift, and to hold, encumber, or dispose of, real and personal property or interests therein for such purposes;

(D) To cooperate or enter into agreements with any occupier of lands within the district in the carrying on of natural resource conservation operations and works of improvement for flood prevention and the conservation, development, utilization and management of natural resources within the district, subject to such conditions as the supervisors deem necessary;

(E) To accept donations, gifts, grants, and contributions in money, service, materials, or otherwise, and to use or expend them according to their terms;

(F) To make, amend, and repeal rules to carry into effect its purposes and powers;

(G) To sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its officers, employees or agents acting within the scope of their employment, or to enforce its obligations and covenants made under Chapter 1515. of the Revised Code;

(H) To make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under Chapter 1515. of the Revised Code, provided that:

(1) When the cost under any such contract or agreement, other than compensation for personal services, involves an expenditure of more than two thousand dollars, the supervisors shall

make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks preceding the day of the opening of bids in a newspaper of general circulation within the district, and in such other publications as the supervisors determine, which notice shall state the general character of the work and materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids.

(2) Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that if the bid is accepted a contract shall be entered into and the performance thereof secured.

(3) The supervisors may reject any and all bids.

(4) A bond with good and sufficient surety, approved by the authority and issued by a bonding company licensed to do business in this state, shall be required of all contractors in the full amount of the contract price, conditioned upon faithful performance of the contract.

(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;

(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;

(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;

(L) To enter into agreements or contracts with the Ohio department of natural resources for the determination, implementation, inspection, and funding of agriculture pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, EXCEPT THAT FAILURE OF A DISTRICT BOARD OF SUPERVISORS TO NEGOTIATE AN AGREEMENT OR CONTRACT WITH THE DEPARTMENT OF NATURAL RESOURCES SHALL AUTHORIZE THE DIVISION OF SOIL AND WATER DISTRICTS TO IMPLEMENT THE REQUIRED PROGRAM;

(M) To do all acts necessary or proper to carry out the powers granted in Chapter 1515. of the Revised Code.

The supervisors of a soil conservation district or a soil and water conservation district shall submit annually to the division of soil and water districts a work plan and any additions thereto for projects it plans to commence or undertake during the ensuing year authorized by division (A), (B), (C), or (D) of section 1515.08 of the Revised Code. The director of natural resources shall, within thirty days of receipt of the work plan or addition, review and approve, disapprove, or make recommendations re-

ing, on the motion of the board or any owner of land assessed for said improvements, shall dismiss so much of said appeal as refers to the necessity of the improvement or the boundaries of said district upon the introduction of satisfactory proof of such written consent of the owners of land tentatively assessed for at least eighty-five per cent of the cost of the improvement as provided for in this section. Such property owner may also appeal from the decision of the board in refusing to grant the prayer of any petition for improvements under sections 6117.01 to 6117.40 [; inclusive,] of the Revised Code. If the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION has made an order declaring that any improvement is necessary for the public health and welfare as provided in section 6117.34 or 6103.17 of the Revised Code, no property owner shall have the right to appeal from the action of the board declaring such improvement necessary.

Sec. 6117.34. Whenever the legislative authority or board of health, or the officers performing the duties of the legislative authority or board of health of a municipal corporation, the board of health of a general health district, or a board of township trustees makes complaint in writing to the [department of health] ENVIRONMENTAL PROTECTION AGENCY that unsanitary conditions exist in any county, the director of [health] ENVIRONMENTAL PROTECTION shall forthwith inquire into and investigate the conditions complained of. If upon investigation of such complaint the [department] DIRECTOR finds that it is necessary for the public health and welfare that sewer improvements or sewage treatment or disposal works be constructed, maintained, and operated for the service of any territory outside of municipal corporations in any county, [said department] THE DIRECTOR shall notify the board of county commissioners of such county of its finding [and shall proceed as provided in sections 6111.10 and 6111.11 of the Revised Code]. The board shall obey such order and proceed as provided in sections 6117.01 to 6117.45 [; inclusive,] of the Revised Code, to establish sewer districts, provide necessary funds, and construct such sewers or treatment works, or maintain, repair, or operate the same, as are required by such order and in such manner as is satisfactory to the [department] DIRECTOR. Any or all of the cost of such improvement or maintenance may be assessed upon the property benefited as provided in sections 6117.01 to 6117.45 [; inclusive,] of the Revised Code.

Sec. 6117.36. If the board of county commissioners fails after thirty days after the notice and order given to it by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION to perform any act required of it by sections 6117.01 to 6117.40 [; inclusive,] of the Revised Code, and by any such order and notice of the [department] DIRECTOR, such order may be enforced by a writ of mandamus issued by any court authorized to issue such writs.

Sec. 6117.42. All contracts under section 6117.41 of the Revised Code shall provide for payment to the county or municipal

tion and maintenance of lateral sewers for local service within such municipal corporation. All road surfaces, curbs, sidewalks, sewers, water pipes, or other public property disturbed or damaged by such construction shall be restored to their original condition within a reasonable time by the board, and the cost thereof shall be a part of the cost of such improvement. After such main works are constructed, such municipal corporation may use the same as an outlet for branch and local sewers constructed by it for the service and use only of that part of the municipal corporation which lies within the area assessed or to be assessed for the cost of such main works, subject to such rules and regulations as are established by the board and subject to all requirements of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION.

At any time after a district is established comprising or including a part or all of the territory within any municipal corporation, its legislative authority may by ordinance or resolution authorize the board to proceed with the construction or the maintenance, repair, and operation of any sewer improvement for local service within such municipal corporation. After such authority has been granted, the board may proceed with the construction or the maintenance and operation of said improvements in the same manner as provided by law for improvements in districts wholly outside of municipal corporations, under the same restrictions as provided in this section for main works.

Sec. 6117.09. Any owner of property to be assessed or taxed for an improvement under sections 6117.01 to 6117.45 [; inclusive,] or sections 6103.01 to 6103.30 [; inclusive,] of the Revised Code, may appeal to the probate court from the action of the board of county commissioners in determining to proceed with the improvement in regard to any of the following matters:

(A) The necessity of the improvement, including the question whether the cost of the improvement will exceed the benefits resulting therefrom;

(B) Boundaries of the assessment district;

(C) The tentative apportionment of the assessment.

Such appeal shall be effected within ten days after the passage of the resolution to proceed with the improvement. No appeal shall be allowed from said decision of the board except as to the tentative apportionment of the assessment if the owners of land tentatively assessed for at least eighty-five per cent of the cost of said improvement under sections 6117.01 to 6117.45 [; inclusive,] or sections 6103.01 to 6103.30 [; inclusive,] of the Revised Code, have consented in writing to the action of the board in determining to proceed with said improvement. If such an appeal to the probate court has been perfected by any property owner prior to procuring such consent in writing of the owners of land tentatively assessed for at least eighty-five per cent of the cost of said improvement, the probate court before whom such appeal is pend-

garding those projects which have a substantial impact upon the land or water of two or more counties or states.

The director shall make recommendations to reduce the adverse environmental effects of each such project, and shall disapprove any such project which he finds will adversely affect the environment without equal or greater benefit to the public. The director's disapproval or recommendations shall, upon the request of the district filed in accordance with rules adopted by the Ohio soil and water conservation commission, be reviewed by the commission, which may confirm the director's decision, modify or add recommendations, or approve a project the director has disapproved.

Sec. 1521.03. THE DIVISION OF WATER SHALL:

(A) ASSIST IN AN ADVISORY CAPACITY ANY PROPERLY CONSTITUTED MAJOR RIVER WATERSHED DISTRICT, CONSERVANCY DISTRICT, SOIL CONSERVATION DISTRICT, COUNTY, MUNICIPAL CORPORATION, OR OTHER GOVERNMENT AGENCY OF THE STATE IN THE PLANNING OF WORKS FOR GROUND WATER RECHARGE, OR THE ESTABLISHMENT OF WATER CONSERVATION PRACTICES, WITHIN THE LIMITS OF THE APPROPRIATIONS FOR SUCH PURPOSE;

(B) HAVE AUTHORITY TO CONDUCT BASIC INVENTORIES OF THE WATER AND RELATED NATURAL RESOURCES IN EACH DRAINAGE BASIN IN THE STATE; TO DEVELOP A PLAN ON A WATERSHED BASIS WHICH WILL RECOGNIZE THE VARIETY OF USES TO WHICH WATER MAY BE PUT AND THE NEED FOR ITS RETENTION AND CONTROL; UPON THE REQUEST OF THE CHIEF OF THE DIVISION OF WATER, WITH THE APPROVAL OF THE DIRECTOR OF NATURAL RESOURCES AND THE CONTROLLING BOARD, TO TRANSFER APPROPRIATED OR OTHER FUNDS, AUTHORIZED FOR SUCH INVENTORIES AND PLAN, TO ANY DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF DEVELOPING PERTINENT DATA RELATING TO SUCH PLAN OF WATER MANAGEMENT; TO ACCEPT AND EXPEND MONEYS CONTRIBUTED BY PERSONS, CONSERVANCY DISTRICTS, OR POLITICAL SUBDIVISIONS FOR IMPLEMENTING THE DEVELOPMENT OF SUCH PLAN;

(C) HAVE AUTHORITY TO MAKE A DETAILED INVESTIGATION AND STUDY OF ALL FACTORS RELATING TO FLOODS AND FLOOD CONTROL IN THE STATE WITH PARTICULAR ATTENTION TO THOSE FACTORS BEARING UPON THE MAINTENANCE OF THE EFFICIENCY OF THE CHANNELS OF RIVERS, STREAMS, AND WATERCOURSES AS A MEANS OF CARRYING OFF FLOOD WATERS;

(D) COOPERATE WITH THE UNITED STATES OR ANY AGENCY THEREOF AND WITH ANY POLITICAL SUBDIVI-

SION OF THE STATE IN PLANNING AND CONSTRUCTING FLOOD CONTROL WORKS.

Sec. 1541.21. The territory included within any state park ~~[or pleasure resort]~~, CANAL RESERVOIR LAKE, OR NATURE PRESERVE, and surrounding lands extending back one mile therefrom is hereby designated a special sanitary district. Such district shall be under the control and management of the ~~[department of health]~~ ENVIRONMENTAL PROTECTION AGENCY for sanitary purposes. Any failure to comply with the ~~[notices]~~ ORDERS of ~~[said department]~~ THE DIRECTOR OF ENVIRONMENTAL PROTECTION relating to sanitary conditions is a violation of sections 1541.09 to 1541.21 ~~[, inclusive,]~~ of the Revised Code.

The ~~[department]~~ DIRECTOR may make and enforce rules ~~[and regulations]~~ relating to the location, construction, and repair of stockyards, hog pens, stables, privies, cesspools, sinks, plumbing, drains, SEPTIC TANKS, and all other places where offensive substances or liquids may accumulate within such sanitary district. THE RULES SHALL BE DESIGNED TO PROTECT THE PUBLIC HEALTH AND TO ACHIEVE AND MAINTAIN APPLICABLE WATER QUALITY AND DISCHARGE STANDARDS. NO PERSON SHALL VIOLATE ANY SUCH RULE. The ~~[department]~~ DIRECTOR may SEEK INJUNCTIVE ACTION OR OTHER APPROPRIATE RELIEF OR MAY abate ~~[all]~~ such nuisances, and ~~[may]~~ remove or correct all unsanitary conditions detrimental to the health and well-being of the community included in such sanitary district, and may, when necessary, certify the costs and expenses thereof to the county auditor, to be assessed against the property of the offending party, and thereby make a lien upon it and collected as other taxes ~~[-]~~

When any specific order of the department is neglected or disregarded by parties, after due notice, the director of health may cause the arrest and prosecution of all persons so offending in accordance with sections 1541.09 to 1541.21, inclusive, of the Revised Code. Notice by the department to abate or correct a nuisance shall be served upon ~~parties offending]~~, in accordance with THE PROCEDURES WHEREBY A BOARD OF HEALTH MAY ACT, UNDER section 3707.02 of the Revised Code.

No sewer, drain, or other connection with closets, cesspools, sinks, privies, SEPTIC TANKS, or other places where offensive or unsanitary matter accumulates shall be drained or discharged into any state ~~[reservoir]~~ CANAL RESERVOIR LAKE, and no garbage, offal, or filth of any kind shall be thrown or discharged, in any manner, into any such reservoir LAKE or immediate tributary thereto, and this rule applies to all houseboats and buildings erected over the waters of any state ~~[reservoir]~~ CANAL RESERVOIR LAKE.

Sec. 1547.32. ~~[It is unlawful for any person or persons to]~~ NO PERSON SHALL use any watercraft for the purpose of establish-

said board. The board may create and maintain a sanitary engineering department, to be under its supervision and in charge of a competent sanitary engineer, to be appointed by such board, for the purpose of aiding it in the performance of its duties under sections 6117.01 to 6117.45 ~~[, inclusive,]~~ of the Revised Code, or its other duties regarding sanitation provided by law. Said board shall provide suitable rooms for the use of such department and shall provide for and pay the compensation of such sanitary engineer and all necessary expenses of such sanitary engineer and department which are authorized by such board. Any such sanitary engineer in charge of such department, with the approval of the board, may appoint necessary assistants and clerks and the compensation of any such assistants and clerks shall be fixed and paid by such board. The board may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of sewers and sewer improvements in its county outside of municipal corporations, and of sewers and sewer improvements within municipal corporations in its county wherever such sewers are constructed or operated by such board or discharge into sewers or sewage treatment plants constructed or operated by such board, including the establishment and use of connections. Such rules and regulations shall not be inconsistent with the laws of this state or the rules and regulations of the ~~[department of health]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION. No sewers or sewage treatment works shall be constructed in any county outside of municipal corporations by any person, firm, or corporation until the plans and specifications for the same have been approved by the board, and any such construction shall be done under the supervision of the county sanitary engineer. Any person, firm, or corporation proposing or constructing such improvements shall pay to the county all expenses incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for the laying out of sewer districts or designing sewers or treatment works, and may make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for such purpose or making such surveys or examinations. If actual damage is done to property by the making of such surveys and examinations, the board shall pay the reasonable value of such damage to the owner of the property damaged, and such cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made.

Sec. 6117.04. The authority of the board of county commissioners to provide sewer improvements and to maintain and operate the same within sewer districts which include a part or all of the territory within one or more municipal corporations is the same as provided by law within districts wholly outside of municipal corporations, including the levying of assessments. Such authority shall be limited to main works only, and does not include construc-

cost more than ten per cent, no action other than a resolution of the board and approved by the department is necessary for the approval of such alterations or additions. In case the proposed alterations or additions materially modify the general character of the work or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than ten per cent, the court shall direct the board of appraisers of the sanitary district, which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise, to appraise the property to be taken, benefited, or damaged by the proposed alterations or additions.

Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on its report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury exists. Where few landowners are affected, the clerk of the court may, on order of the court, if found to be more economical and convenient, give personal notice of the pendency of the report of said board of appraisers, instead of notice by publication. When the only question at issue is additional damages or reduction of benefits to property due to modification or additions to the plans, the board of directors may, if it finds it practicable, make settlements with the owners of the property damaged, instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reductions of benefits, if any are made, the amount shall be paid to the party in cash. This section applies to all changes in appraisals under sections 6115.01 to 6115.79 [; inclusive,] of the Revised Code.

Sec. 6117.01. For the purpose of preserving and promoting the public health and welfare, boards of county commissioners may by resolution lay out, establish, and maintain one or more sewer districts within their respective counties, outside of municipal corporations, and may have a competent sanitary engineer make such surveys as are necessary for the determination of the proper boundaries of such district. Each district shall be designated by an appropriate name or number. Any board may acquire, construct, maintain, and operate such main, branch, intercepting, or local sewer, or ditch, channel, or interceptor for the temporary retention of storm water, within any such district, and such outlet sewer and sewage treatment or disposal works within or without such district, as are necessary to care for and conduct the sewage or surface water from any part of such district to a proper outlet, so as to properly treat or dispose of same. Any such board may employ a competent sanitary engineer for such time and on such terms as it deems best, and may authorize such sanitary engineer to employ necessary assistants upon such terms as are fixed by

ing or maintaining a dwelling, which creates a nuisance, of either permanent or temporary nature on any of the waters of this state except Lake Erie, the Muskingum River, the Ohio River, and the immediately connected harbors and anchorage facilities or in other areas as may be designated for the purpose.

Sec. 1547.33. Except on the waters specified in section 1547.331 of the Revised Code, no person shall launch, moor, dock, use, or operate on any of the waters of this state any watercraft which contains a sink, toilet or sanitary system which is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage, or other household wastes into the waters of this state. Such sink, toilet or sanitary system shall be removed or sealed or made to drain into a tank or reservoir which can be carried or pumped ashore for disposal in a sewage treatment works approved by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION.

Sec. 1547.331. No person shall launch, moor, dock, use, or operate on Lake Erie, the Muskingum River, or the Ohio River, or their immediately connected harbors and anchorage facilities, on or after July 1, 1973, any watercraft which contains a toilet which is capable of discharging sewage into such waters, unless the watercraft is equipped with a sewage disposal system which is approved by regulation of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION as providing treatment or disposal of effluent in a manner which is adequate to protect the public health [which complies with] AND ACHIEVE AND MAINTAIN THE water quality standards [adopted by the water pollution control board] APPLICABLE TO THE RECEIVING WATERS, and which meets standards for safety established by regulation of the chief of the division of watercraft, and is maintained and used.

Sec. 1547.99. (A) Whoever violates section 1547.13 of the Revised Code shall be fined not more than five hundred dollars or imprisoned in the county jail or workhouse not less than thirty days nor more than six months, or both, or imprisoned in the penitentiary not less than one nor more than twenty years.

(B) Whoever violates section 1547.11 of the Revised Code shall be fined not more than five hundred dollars and imprisoned in the county jail or workhouse not less than three days nor more than six months.

(C) Whoever violates a provision of Chapter 1547. of the Revised Code, or rule or regulation adopted thereunder, for which no penalty is otherwise provided, shall be fined not less than ten nor more than one hundred dollars.

(D) Whoever violates sections 1547.51 to 1547.66 [; inclusive,] of the Revised Code, shall be fined not more than one hundred dollars for each such violation.

(E) Whoever violates section 1547.07 [or], 1547.10, 1547.32, 1547.33, OR 1547.331 of the Revised Code shall, for a first offense,

be fined not more than one hundred dollars; for a violation of [either] A section within one year after the first offense, such person shall be fined not more than one hundred dollars or imprisoned not more than ten days, or both; for each subsequent violation of [either] A section within one year after a violation of either section, such person shall be fined not more than two hundred dollars or imprisoned not more than thirty days, or both.

Sec. 2933.21. A judge of a court of record may, within his jurisdiction, issue warrants to search a house or place:

(A) For property stolen, taken by robbers, embezzled, or obtained under false pretense;

(B) For weapons, implements, tools, instruments, articles or property used as a means of the commission of a crime, or when any of such objects or articles are in the possession of another person with the intent to use them as a means of committing crime;

(C) For forged or counterfeit coins, stamps, imprints, labels, trade-marks, bank bills, or other instruments of writing, and dies, plates, stamps, or brands for making them;

(D) For instruments, articles, or medicines for procuring abortions, or self-pollution; for obscene materials and materials harmful to minors involved in a violation of section 2903.14 or 2903.35 of the Revised Code, but only so much of such materials shall be seized as are necessary for evidence in a prosecution of any such violation;

(E) For gaming table, establishment, device, or apparatus kept or exhibited for unlawful gaming, or to win or gain money or other property, and for money or property won by unlawful gaming[-];

(F) FOR THE EXISTENCE OF PHYSICAL CONDITIONS WHICH ARE OR MAY BECOME HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, WHEN GOVERNMENTAL INSPECTIONS OF PROPERTY ARE AUTHORIZED OR REQUIRED BY LAW.

The enumeration of certain property and materials in this section shall not affect or modify other laws for search and seizure.

Sec. 2933.22. (A) A warrant of search or seizure shall issue only upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the property and things to be seized.

(B) A WARRANT OF SEARCH TO CONDUCT AN INSPECTION OF PROPERTY SHALL ISSUE ONLY UPON PROBABLE CAUSE TO BELIEVE THAT CONDITIONS EXIST UPON SUCH PROPERTY WHICH ARE OR MAY BECOME HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

Sec. 2933.24. (A) A warrant for search shall be directed to the proper officer, and, by a copy of the affidavit inserted therein

operate all works or improvements necessary or desirable to complete, maintain, operate, and protect the official plan. It may secure and use men and equipment under the supervision of the chief engineer or other agents, or it may let contracts for such works, either as a whole or in parts.

Sec. 6115.23. The board of directors of a sanitary district may make and enforce necessary regulations pertaining to the use by public corporations and persons of the works and improvements of the district, and by such regulations the board may:

(A) Prescribe the design, construction, and use of sewers within the district;

(B) Prescribe the manner in which connections to trunk sewers, intercepting sewers, pipe lines, and other works of the district shall be made;

(C) Prescribe the permissible uses of the water supply of the district and the manner of its distribution;

(D) Prevent the pollution or unnecessary waste of the water supply;

(E) Prohibit discharge into such sewers of any liquid or solid wastes deemed detrimental to the works and improvements of the district.

Such regulations shall have no effect until they have been approved by the [department of health] ENVIRONMENTAL PROTECTION AGENCY. The board may recover by civil action from any person or public corporation violating such regulations, for each offense, not less than five hundred nor more than one thousand dollars together with costs. The board may enforce by mandamus or otherwise all necessary regulations made by it and authorized by sections 6115.01 to 6115.79 [; inclusive,] of the Revised Code, and may remove any improper construction or close any connection made improperly or in violation of said regulations, and may bring such suits in mandamus in the court of appeals in the first instance, if it deems it advisable. Any public corporation or person who willfully fails to comply with such regulations shall be liable for damages caused by such failure and for the cost of renewing any construction damaged or destroyed.

Sec. 6115.40. The board of directors of a sanitary district may at any time, when necessary to fulfill the objects for which the district was created, alter or add to the official plan. When such alterations or additions are formally approved by the board, by the [department of health] ENVIRONMENTAL PROTECTION AGENCY, and by the court, and are filed with the secretary of the sanitary district, they shall become part of the official plan for all purposes of sections 6115.01 to 6115.79 [; inclusive,] of the Revised Code. Where such alterations or additions in the judgment of the court neither materially modify the general character of the work, nor materially increase resulting damages for which the board is not able to make amicable settlement, nor increase the

PROVE OR REJECT THE PLAN, THE AGENCY SHALL CONSIDER, AMONG OTHER FACTORS, THE PROTECTION OF THE PUBLIC HEALTH, AND COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS AND REGULATIONS AND SOLID WASTE DISPOSAL REQUIREMENTS. If the [department] AGENCY rejects such plan, the board shall proceed as in the first instance under this section to prepare another plan. If the [department] AGENCY refers said plan to the board for amendment, the board shall prepare and submit an amended plan to the [department] AGENCY. If the [department] AGENCY approves said plan, a copy of the action of said [department] AGENCY shall be filed with the secretary of the district and by him incorporated into the records of the district.

Upon the approval of such plan by the [department] AGENCY, the board shall cause notice by publication to be given in each county of said district of the completion of said plan; and shall permit the inspection of such plan at its office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan which shall be not less than twenty nor more than thirty days after the last publication of said notice. All objections to said plan shall be in writing and filed with the secretary at his office not more than ten days after the last publication of said notice. After said hearing before the board, the board shall adopt the plan as the official plan of the district. If any persons object to said official plan, so adopted, then such persons may, within ten days from the adoption of said official plan, file their objections in writing, specifying the features of the plan to which they object, in the original case establishing the district in the office of the clerk of the court, who shall fix a day for the hearing of such objections before the court which shall be not less than twenty nor more than thirty days after the time fixed for filing objections, at which time the judges, sitting as a court as provided in section 6115.08 of the Revised Code for the organization of the district, shall meet at the courthouse of the county where said original case is pending and hear said objections and adopt, reject, or refer back said plan to the board. A majority of the judges shall control. If the court rejects said plan, the board shall proceed as in the first instance under this section to prepare another plan. If the court refers said plan to said board for amendment, then the court shall continue the hearing to a day certain without publication of notice. If the court approves said plan as the official plan of the district, a certified copy of the journal of the court shall be filed with the secretary, and by him incorporated into the records of the district.

The official plan may be altered in detail until the assessment roll is filed, and of all such alterations the board of appraisers of the sanitary district shall take notice. After the assessment roll has been filed in court, no alterations of the official plan shall be made except as provided in section 6115.40 of the Revised Code.

The board of directors of a sanitary district shall have full power and authority to devise, prepare for, execute, maintain, and

or annexed and referred to, shall show or recite all the material facts alleged in the affidavit, and particularly describe the things to be searched for, the house or place to be searched, and the person to be searched and seized. Such warrant shall command the officer to search such house or place or person named or described for the property or other things, and to bring them, together with the person to be seized, before the judge or magistrate. The command of the warrant shall be that the search be made in the daytime, unless there is urgent necessity for a search in the night in which case a search in the night may be ordered. Such search warrant shall be returned by the officer holding the same not later than three days after issuance. It shall designate the judge or magistrate to whom it shall be returned, if such judge is available.

(B) WHEN A WARRANT TO SEARCH COMMANDS A PROPER OFFICER TO INSPECT PHYSICAL CONDITIONS RELATING TO PUBLIC HEALTH, SAFETY, OR WELFARE, SUCH OFFICER, UPON COMPLETION OF THE SEARCH, SHALL COMPLETE A REPORT OF THE CONDITIONS AND FILE A COPY OF SUCH REPORT WITH HIS AGENCY HEADQUARTERS.

Sec. 3701.22. The department of health ~~may~~ SHALL maintain a chemical and bacteriological laboratory for the examination of public water supplies, and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders, and such other diseases as it deems necessary, and for the examination of food suspected to be the cause of disease. The department shall examine and report TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND THE PUBLIC each year the condition of all public water supplies.

Sec. 3701.99. ~~[(A)]~~ Whoever violates section 3701.18 or 3701.19 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars.

~~[(B)]~~ (A) Whoever violates section 3701.25 of the Revised Code shall be fined not more than one hundred dollars or imprisoned for not more than ninety days, or both. No person shall be imprisoned under this division for a first offense and the prosecution shall always be as for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

~~[(C)]~~ (B) Whoever willfully violates sections 3701.46 to 3701.50 ~~[, inclusive,]~~ of the Revised Code shall, upon conviction in a summary proceeding in the county wherein such offense was committed, be fined not less than twenty nor more than one hundred dollars to be paid into the general fund of the county, and, upon failure to pay such fine, shall be imprisoned not less than ten nor more than thirty days.

~~[(D)]~~ (C) Whoever violates sections 3701.51 to 3701.55 ~~[, inclusive,]~~ of the Revised Code shall be fined not less than fifty

nor more than one hundred dollars for a first offense; for each subsequent offense such person shall be fined not less than one hundred nor more than three hundred dollars.

~~[(E)]~~ Whoever violates section 3701.59 of the Revised Code shall be fined not more than five hundred dollars.

~~[(F)]~~ (D) Whoever violates section 3701.98 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Sec. 3704.03. The ~~[air pollution control board]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION may:

(A) Develop programs for the prevention, control, and abatement of air pollution;

(B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of sections 3704.01 to 3704.11 ~~[, inclusive,]~~ of the Revised Code;

(C) Encourage, participate in, or conduct studies, investigations, and research, relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;

(D) Adopt, modify, and repeal regulations for the prevention, control, and abatement of air pollution from all sources throughout the state, prescribing ambient air quality standards for the state as a whole or for various areas of the state. In adopting, modifying, or repealing such regulations the ~~[board]~~ DIRECTOR shall hear and give consideration to evidence relating to:

(1) The character and degree of any injury to human health or welfare, plant or animal life, or property, or any unreasonable interference with the comfortable enjoyment of life or property as the result of air pollution;

(2) Conditions calculated to result from compliance with such standards and their relation to benefits to the people of the state to be derived from such compliance;

(3) The quantity and characteristics of air contaminants and the frequency and duration of their presence in the ambient air;

(4) Topography, prevailing wind directions and velocities, physical conditions, and other factors which may or may combine to affect air pollution.

(E) Adopt, modify, and repeal regulations for the prevention, control, and abatement of air pollution, prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary regulations for the purpose of achieving and maintaining compliance with ambient air quality standards. In adopting, modifying, or repealing such regulations the ~~[board]~~ DIRECTOR shall hear and give consideration to evidence relating to:

(1) Conditions calculated to result from compliance with

court with whom such petition is filed shall give notice by publication, in accordance with the suggested form in division (A) of section 6115.79 of the Revised Code, of the pendency of the petition and of the time and place of the hearing thereon. THE CLERK SHALL SEND NOTICE BY CERTIFIED MAIL TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION. Such clerk shall cause such notices to be served personally upon the clerk of each political subdivision within the proposed district.

The court of common pleas of the county in which the petition was filed shall thereafter for all purposes of sections 6115.01 to 6115.79 ~~[, inclusive,]~~ of the Revised Code, except as otherwise provided in such sections, maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district and of lands and other property proposed to be included in said district or affected by said district, without regard to the usual limits of its jurisdiction.

Sec. 6115.16. Upon its qualification, the board of directors of a sanitary district shall prepare a plan for the improvement for which the district was created. Such plan shall include such maps, profiles, plans, and other data and descriptions as are necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost. In the case of a district organized wholly or partly for the extermination or prevention of mosquitoes, flies, and other insects, the plan is sufficient if it includes a description, in general terms, of the methods of extermination or prevention to be utilized, and it shall not be necessary to indicate in the plan the particular parcels of land in the district where the physical structures, devices, or improvements incident to the extermination or prevention of mosquitoes, flies, and other insects are to be constructed or where the labor incident to such extermination or prevention will be employed.

In the preparation of the plan, the board may recognize the necessity of future extensions and enlargements which may result from enlargements of the area of the district, in order that the district improvements may be designed to meet properly such increased demands. The plan for a water supply for domestic, municipal, and public use shall be prepared with recognition of an equitable apportionment of the available supply to each political subdivision within the district. If the purposes for which the district was established include both improved sanitation and improved water supply a plan shall be prepared for each purpose.

If the board finds that any former survey made by any other district or in any other manner is useful for the purposes of the district, the board may take over the data secured by such survey, or such other proceedings as is useful to it, and may pay therefor an amount equal to the value of such data to said district.

Upon the completion of such plan, the board shall submit it to the ~~[department of health]~~ ENVIRONMENTAL PROTECTION AGENCY for approval. IN DECIDING WHETHER TO AP-

notify the [department of health] DIRECTOR of its having filed such application with the public utilities commission.

Sec. 6112.04. The construction of the facilities for which plans have been approved by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION shall be performed under the supervision of a registered engineer, in a manner acceptable to the [department] DIRECTOR. Such registered engineer shall be employed by the applicant at his own expense.

Sec. 6113.02. In pursuance of article IV of the compact set forth in section 6113.01 of the Revised Code, there shall be three members of the Ohio river valley water sanitation commission from this state. The governor, by and with the advice and consent of the senate, shall appoint two of such commissioners, each of whom shall be a resident and citizen of the state. The two commissioners so appointed shall not be of the same political party. The term of one of said two commissioners first appointed shall be three years and the term of the other shall be six years. Their successors shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years each. Vacancies occurring in the office of any such commissioner from any reason or cause shall be filled by appointment by the governor, by and with the advice and consent of the senate, for the unexpired term.

The third commissioner from the state shall be the director of [health] ENVIRONMENTAL PROTECTION ex officio, and the term of such commissioner shall terminate at the time he ceases to hold the office of director, and his successor as a commissioner shall be his successor as said director. With the exception of the issuance of any order under article IX of the compact, said ex officio commissioner may delegate, from time to time, to [the assistant director of health, or to the chief engineer of the division of sanitary engineering of the department of health, or to the head of any division of the department, or to any other officer in the department] HIS DESIGNATED REPRESENTATIVE the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission.

The term of each of the initial three members shall begin at the date of the appointment of the two appointive commissioners, provided said compact shall then have gone into effect in accordance with article XI of the compact; otherwise such terms shall begin upon the date upon which said compact becomes effective in accordance with said article XI.

Any commissioner may be removed from office by the governor upon charges and after a hearing, but opportunity to be heard shall be given.

Sec. 6115.07. Immediately after the filing of the petition provided for in section 6115.05 of the Revised Code, the clerk of the

such regulations and their relation to benefits to the people of the state to be derived from such compliance;

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of such contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors which may or may combine to affect air pollution.

(F) Adopt, modify, and repeal regulations for the purpose of attaining and maintaining ambient air quality standards, prohibiting the location, installation, construction, or modification of any machine, equipment, device, apparatus, or physical facility which the [board] DIRECTOR finds may cause or contribute to air pollution, or which is intended primarily to prevent or control the emission of air contaminants, unless an installation permit therefor has been obtained from the [board] DIRECTOR or [its] HIS authorized representative. Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data as the [board] DIRECTOR may require. Installation permits shall be issued for a period specified by the [board] DIRECTOR and are transferable. THE DIRECTOR SHALL SPECIFY IN SUCH PERMITS THAT THE PERMIT IS CONDITIONED UPON THE RIGHT OF HIS AUTHORIZED REPRESENTATIVES TO ENTER UPON THE PREMISES OF THE PERSON TO WHOM THE PERMIT HAS BEEN ISSUED, AT ANY REASONABLE TIME AND SUBJECT TO SAFETY REQUIREMENTS OF THE PERSON IN CONTROL OF THE PREMISES, FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THIS CHAPTER, THE RULES ADOPTED THEREUNDER, AND THE CONDITIONS OF ANY PERMIT, VARIANCE, OR ORDER ISSUED THEREUNDER. The regulations shall require the [board] DIRECTOR to issue or deny an installation permit within six months of the date upon which the [board] DIRECTOR receives a complete application with all plans, specifications, schedules, and other pertinent information and data required by the [board] DIRECTOR. NO APPLICATION SHALL BE DENIED OR PERMIT REVOKED OR MODIFIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH DENIAL, REVOCATION, OR MODIFICATION IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR PERMIT HOLDER BY CERTIFIED MAIL.

(G) Adopt, modify, and repeal regulations for the purpose of attaining and maintaining ambient air quality standards, prohibiting the operation or other use of any new, modified, or existing machine, equipment, device, apparatus, or physical facility which the [board] DIRECTOR finds may cause or contribute to air pollution, unless an operating permit has been obtained from the [board] DIRECTOR or [its] HIS authorized representative, or such facility is being operated in compliance with the conditions of a variance. Applications for operating permits shall be accompanied by such

plans, specifications, and other pertinent information as the [board] DIRECTOR may require. Operating permits may be issued for a period determined by the [board] DIRECTOR not to exceed three years, are renewable, and are transferable. THE DIRECTOR SHALL SPECIFY IN SUCH PERMITS THAT THE PERMIT IS CONDITIONED UPON THE RIGHT OF HIS AUTHORIZED REPRESENTATIVES TO ENTER UPON THE PREMISES OF THE PERSON TO WHOM THE PERMIT HAS BEEN ISSUED, AT ANY REASONABLE TIME AND SUBJECT TO SAFETY REQUIREMENTS OF THE PERSON IN CONTROL OF THE PREMISES FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THIS CHAPTER, THE RULES ADOPTED THEREUNDER, AND THE CONDITIONS OF ANY PERMIT, VARIANCE, OR ORDER ISSUED THEREUNDER. Operating permits may be denied or revoked for failure to comply with Chapter 3704. of the Revised Code or the regulations adopted thereunder. The regulations shall require the issuance of an operating permit upon a showing satisfactory to the [board] DIRECTOR or [its] HIS representative, that the machine, equipment, device, apparatus, or physical facility is being operated in compliance with applicable emission standards and other regulations. The regulations shall provide for the issuance of conditional operating permits for such reasonable periods as the [board] DIRECTOR may determine, to allow the holder of an installation permit to make adjustments or modifications necessary to enable any new or modified machine, equipment, device, apparatus, or physical facility to comply with applicable emission standards and other regulations. NO APPLICATION SHALL BE DENIED OR PERMIT REVOKED OR MODIFIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH DENIAL, REVOCATION, OR MODIFICATION IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR PERMIT HOLDER BY CERTIFIED MAIL.

(H) Issue, revoke, modify, or deny variances from [its] HIS regulations, including variances for emissions in excess of the applicable emission standards [adopted by the board]. In issuing, revoking, modifying, or denying such variances the [board] DIRECTOR shall hear and give consideration to evidence that:

(1) Compliance with such standards and other regulations is impractical because of conditions beyond the control of the applicant.

(2) Compliance with such standards and other regulations would be technically infeasible or economically unreasonable.

(3) The emissions of the applicant for which a variance is requested have little effect on ambient air quality and do not endanger or threaten to endanger human health, due to topography, direction and velocity of prevailing winds, height of emission source, or other factors.

(4) Compliance with the standards or other regulations from which variance is sought would produce serious hardship without equal or greater benefit to the public.

[department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION, upon application [made to the department] by any person and determination by the [department] DIRECTOR that such action will be conducive to the public health, safety, convenience, and welfare, may grant approval for general plans to such person for the construction and installation of a disposal system for the disposal of sewage, industrial waste, or other wastes to serve any geographical area in one or more counties, whether or not said geographical area is part of one or more then existing sewer districts established under Chapter 6117. of the Revised Code, provided that said geographical area is not then being served by a disposal system for the disposal of sewage, industrial waste, or other wastes.

Upon receipt of any application [for approval of the department as provided for in this section], the [department] DIRECTOR shall notify the board of county commissioners in any county in which any part of said geographical area is situated that such application has been filed. The board of county commissioners shall certify to the [department] DIRECTOR, within thirty days after receipt of such notice, whether said geographical area is or is not then being served by a disposal system for the disposal of sewage, industrial waste, or other wastes.

There shall be submitted with such application such data required by the [department] DIRECTOR to establish the need therefor to serve the public health, safety, convenience, and welfare, and such surveys, topographic maps, and profiles as are necessary for the determination of the proper boundaries of such geographical area. Surveys accompanying applications requesting the approval of general plans provided for in this section shall have been made under the supervision of and certified by a registered engineer or surveyor.

Sec. 6112.03. Applications for approval of plans for the construction and installation of such facilities shall be made in manner and form prescribed by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION, shall be accompanied by plans, specifications, and other data as THE DIRECTOR may [be required by the department] REQUIRE, relative to the facilities for which approval of plans is requested. Thereafter, the [application shall be acted upon by the department pursuant to section 3701.18 of the Revised Code and regulations promulgated by the department] DIRECTOR SHALL ACT UPON THE APPLICATION IN ACCORDANCE WITH LAW AND THE REGULATIONS ADOPTED PURSUANT THERETO. No final detailed or construction plans shall be approved by the [department] DIRECTOR before [the department] HE has received written notice from the public utilities commission that a certificate of public convenience and necessity has been issued by it authorizing the construction, installation, and operation of such facilities. Thereafter, any person making application to the public utilities commission to abandon, withdraw, or close for service any main sewer or sewage disposal works serving such district shall, within five days thereafter,

public health AND WELFARE may require. [The department shall not exercise any authority under this section in any municipal corporation wherein ordinances or resolutions have been adopted and are being enforced by the proper authorities to make effective this section.] Any action taken by the director [of health] shall be a matter of public record and shall be entered in his journal. Each period of thirty days that a violation of this section continues, after a conviction for such violation, constitutes a separate offense.

Sec. [3701.20] 6111.46. The [department of health] ENVIRONMENTAL PROTECTION AGENCY shall exercise general supervision of the disposal of sewage and industrial wastes and the operation and maintenance of works or means installed for the collection, treatment, or disposal of sewage and industrial wastes. Such general supervision shall apply to all features of construction, operation, and maintenance of such works or means which do or may affect the proper treatment or disposal of such sewage and industrial wastes. The [department] AGENCY shall investigate the works or means employed in the collection, treatment, and disposal of sewage and industrial wastes whenever deemed necessary and whenever requested to do so by local health officials; and may adopt and enforce orders and regulations governing the operation and maintenance of such works or means and may require the submission of records and data of construction, operation, and maintenance, including plans and descriptions of existing works or means of disposal of such sewage or wastes. When the [department] AGENCY requires the submission of such records or information, the public officials or person, firm, or corporation having the works in charge shall promptly comply with such order.

Sec. 6111.99. (A) Whoever violates division (A) of section 6111.07 of the Revised Code shall be fined not more than [five hundred] TEN THOUSAND dollars or imprisoned not more than one year, or both.

(B) Whoever violates sections 6111.13 to 6111.15, [inclusive], 6111.45, OR 6111.46 of the Revised Code, shall be fined not more than five hundred dollars.

(C) WHOEVER VIOLATES DIVISION (C) OF SECTION 6111.07 OF THE REVISED CODE SHALL BE FINED NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS.

(D) WHOEVER VIOLATES SECTION 6111.42 OF THE REVISED CODE SHALL BE FINED NOT MORE THAN ONE HUNDRED DOLLARS FOR A FIRST OFFENSE; FOR EACH SUBSEQUENT OFFENSE SUCH PERSON SHALL BE FINED NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

(E) WHOEVER VIOLATES SECTION 6111.44 OF THE REVISED CODE SHALL BE FINED NOT MORE THAN ONE HUNDRED DOLLARS.

Sec. 6112.02. For the purpose of preventing, controlling, and abating new or existing pollution of the waters of the state, the

(5) The emissions of the applicant from which a variance is requested were in conformity with the emission standards in force at the time a permit was issued to the applicant under division (F) of this section.

In issuing such variances, the [board] DIRECTOR may also order the person to whom the permit is issued to furnish plans and specifications and such other information and data as the [board] DIRECTOR may require, and to proceed to take such action within such time as the [board] DIRECTOR may determine to be appropriate and reasonable to prevent, control, or abate his existing emissions of air contaminants. THE DIRECTOR SHALL SPECIFY IN SUCH VARIANCES THAT THE VARIANCE IS CONDITIONED UPON THE RIGHT OF HIS AUTHORIZED REPRESENTATIVES TO ENTER UPON THE PREMISES OF THE PERSON TO WHOM THE VARIANCE HAS BEEN ISSUED, AT ANY REASONABLE TIME AND SUBJECT TO SAFETY REQUIREMENTS OF THE PERSON IN CONTROL OF THE PREMISES FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THIS CHAPTER, THE RULES ADOPTED THEREUNDER, AND THE CONDITIONS OF ANY PERMIT, VARIANCE, OR ORDER ISSUED THEREUNDER.

The [board] DIRECTOR may hold a public hearing on an application for a variance or renewal thereof, [before not less than three members of the board or their representatives,] at a location in the county where the variance is sought. The [board] DIRECTOR shall give not less than twenty days' notice of the hearing to the applicant by certified mail and cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought. The [board] DIRECTOR shall keep available for public inspection at [its] THE principal office OF THE ENVIRONMENTAL PROTECTION AGENCY a current schedule of pending applications for variances and a current schedule of pending variance hearings. The [board] DIRECTOR shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Within ten days after the hearing the [board] DIRECTOR shall make a written determination to issue, renew, or deny the variance, and shall enter [its] HIS determination and the basis therefor into the record of the hearing. The [board] DIRECTOR shall issue, renew, or deny an application for a variance or renewal thereof within six months of the date upon which the [board] DIRECTOR receives a complete application with all pertinent information and data required by the [board] DIRECTOR.

No variance shall be issued, revoked, modified, or denied until the [board] DIRECTOR has considered the relative interests of the applicant, other persons and property affected by the discharge, and the general public. Any variance granted pursuant to this section shall be for a period specified by the [board] DIRECTOR and may be renewed from time to time on such terms and for such periods, not to exceed one year each, as the [board] DIRECTOR determines to be appropriate. NO APPLICATION SHALL

BE DENIED OR VARIANCE REVOKED OR MODIFIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH DENIAL, REVOCATION, OR MODIFICATION IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR VARIANCE HOLDER BY CERTIFIED MAIL.

(I) Require the person responsible for any source of emission which may reasonably be considered as being a source of or contributing to air pollution to install, maintain, and operate monitoring devices, and to maintain records and file periodic reports with the [board] DIRECTOR containing information as to location, size and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the [board] DIRECTOR may request. In requiring monitoring devices, records, and reports the [board] DIRECTOR shall give consideration to technical feasibility and economic reasonableness, and allow reasonable time for compliance.

(J) Establish, operate, and maintain monitoring stations and other devices designed to measure air pollution and to enter into contracts with any public or private agency for the establishment, operation, or maintenance of such stations and devices;

(K) Adopt regulations prescribing a schedule of fees to be paid by applicants for and holders of permits and variances under divisions (F), (G), and (H) of this section. Such schedule of fees shall be designed to defray the costs of PROCESSING, issuing, revoking, modifying, and denying permits and variances [; including the cost of making inspections].

(L) By resolution adopt procedures for giving reasonable public notice and conducting public hearing on any plans for the prevention, control, and abatement of air pollution that the [board] DIRECTOR is required to submit to the federal government;

(M) Through any [individual member or any representative authorized by the board] EMPLOYEE, AGENT, OR AUTHORIZED REPRESENTATIVE OF THE DIRECTOR OR THE ENVIRONMENTAL PROTECTION AGENCY, enter upon private or public property, including improvements thereon, at any reasonable time for the purpose of making inspections, conducting tests, and examining records or reports pertaining to any emission of air contaminants and of determining if there are any actual or potential emissions from such premises, and if so, to determine the sources, amounts, contents, and extent of such emissions, or to ascertain compliance with sections 3704.01 to 3704.11 [; inclusive,] of the Revised Code, any orders or regulations adopted thereunder, or any other determination of the [board] DIRECTOR. If entry or inspection authorized by this division is refused, hindered, or thwarted, the [board] DIRECTOR or [its] HIS authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

(N) Accept and administer gifts or grants from the federal

GEOLOGICAL SURVEY. Such log shall be kept on file by the AGENCY AND BY THE division. NO PERSON SHALL FAIL TO KEEP AND SUBMIT A WELL LOG AS REQUIRED BY THIS SECTION.

Sec. [3701.18] 6111.44. No municipal corporation, county, public institution, corporation, or officer or employee thereof, or other person shall provide or install a water supply or sewerage or purification or treatment works for water supply or sewage disposal, or make a change in any water supply, water works intake, water purification works, sewerage, or sewage treatment works until the plans therefor have been submitted to and approved by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION. Sections 3701.18 to 3701.21 [; inclusive,] of the Revised Code shall apply to water supply, sewerage, and purification or treatment works for water or sewerage of a municipal corporation or part thereof, an unincorporated community, a county sewer district, or other land outside of a municipal corporation or any publicly or privately owned building or group of buildings or place, used for the assemblage, entertainment, recreation, education, correction, hospitalization, housing, or employment of persons, but shall not apply to water supply or sewerage or purification or treatment works for water or sewerage installed or to be installed for the use of a private residence or dwelling, or to water supply for industrial purposes and not intended for human consumption. In granting an approval the [department] DIRECTOR OF ENVIRONMENTAL PROTECTION may stipulate such modifications, conditions, and regulations as the public health AND PREVENTION OF POLLUTION may require. Any action taken by the director [of health] shall be a matter of public record and shall be entered in his journal. Each period of thirty days that a violation of this section continues, after a conviction for such violation, constitutes a separate offense.

Sec. [3701.19] 6111.45. No municipal corporation, county, public institution, corporation, or officer or employee thereof, or other person shall establish as proprietor, agent, employee, lessee, or tenant, any garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business, in the operation of which an industrial waste is produced, or make a change in or enlargement of a garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business, whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of such waste have been submitted to and approved by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION. As used in sections 3701.18 to 3701.21 [; inclusive,] of the Revised Code "industrial waste" means a water-carried or a liquid waste resulting from any process of industry, manufacture, trade, or business, or development of any natural resource. In granting an approval the [department] AGENCY may stipulate such modifications, conditions, and regulations as the

of uses to which water may be put and the need for its retention and control; upon the request of the chief of the division of water, with the approval of the director of natural resources and the controlling board; to transfer appropriated or other funds; authorized for such inventories and plan; to any division of the department of natural resources for the purpose of developing pertinent data relating to such plan of water management; to accept and expend moneys contributed by persons, conservancy districts, or political subdivisions for implementing the development of such plan;

(I) (G) Have authority to prepare an accurate map and description of the territorial boundaries of proposed watershed districts within the state. Such map and description shall follow the property line, section line, half section line, or patent line which is nearest to the hydrologic boundary of the proposed watershed district. There shall be not less than fifteen nor more than eighteen proposed watershed districts in the state and each shall be composed of one or more major river watersheds. When a map and a description of a proposed watershed district has been completed, the [chief of the division of water] DIRECTOR shall cause a copy thereof to be filed with the secretary of state and the board of county commissioners of each county contained in whole or in part within the territorial boundaries of such proposed watershed district [;

(J) Have authority to make a detailed investigation and study of all factors relating to floods and flood control in the state with particular attention to those factors bearing upon the maintenance of the efficiency of the channels of rivers, streams, and watercourses as a means of carrying off flood waters;

(K) Cooperate with the United States or any agency thereof and with any political subdivision of the state in planning and constructing flood control works].

Sec. [1521.05] 6111.43. Any person, firm, or corporation which for hire drills, bores, or digs a well shall keep a careful and accurate log of the drilling, boring, or digging of such well. The log shall show:

(A) The character and depth of the formation passed through or encountered;

(B) The depth at which water is encountered;

(C) The static water level of the completed well;

(D) A copy of the record of pumping tests, if any;

(E) The construction details including lengths and sizes of casing, screening, and gravel packing.

[A copy] TWO COPIES of such log shall be furnished to the [division of water] ENVIRONMENTAL PROTECTION AGENCY within thirty days after the completion of such well, upon forms prescribed and prepared by the [chief of the division of water] DIRECTOR OF ENVIRONMENTAL PROTECTION. THE AGENCY SHALL FORWARD ONE COPY TO THE DIVISION OF

government and from any other source, public or private, for carrying out any of its functions;

(O) Obtain necessary scientific, technical, and laboratory services;

(P) Establish advisory boards in accordance with section 121.13 of the Revised Code;

(Q) Delegate to any city or general health district or political subdivision of the state any OF HIS enforcement and monitoring powers and duties [of the board], other than regulation making powers, as the [board may choose] DIRECTOR ELECTS to delegate, and in addition employ, compensate, and prescribe the powers and duties of such officers, employees, and consultants as are necessary to enable the [board] DIRECTOR to exercise [its] HIS authority and perform duties imposed upon [it] HIM by law. Technical and other services shall be performed, insofar as practical, by personnel of the [department of health] ENVIRONMENTAL PROTECTION AGENCY.

(R) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements;

(S) Issue, modify, or revoke orders prohibiting or abating emissions which violate applicable emission standards, or requiring emission control devices or measures in order to comply with applicable emission standards. In the making of such orders the [board] DIRECTOR shall give consideration to, and base [its] HIS determination on, evidence relating to the technical feasibility and economic reasonableness of compliance with such orders, and their relation to benefits to the people of the state to be derived from such compliance.

(T) Exercise all incidental powers required to carry out sections 3704.01 to 3704.11 [; inclusive,] of the Revised Code.

The [air pollution control board] ENVIRONMENTAL PROTECTION AGENCY shall develop a plan to control air pollution resulting from state-operated facilities and property.

Sec. 3704.031. Prior to issuance of a permit or a variance under division (F), (G), or (H) of section 3704.03 of the Revised Code, the [board] DIRECTOR OF ENVIRONMENTAL PROTECTION may require the applicant to install such equipment and conduct such tests as the [board] DIRECTOR finds necessary to determine adequately the amount and content of any emissions from such sources and any violation or potential violation of sections 3704.01 to 3704.11 [; inclusive,] of the Revised Code, or the regulations or orders promulgated thereunder. In requiring equipment and tests the [board] DIRECTOR shall give consideration to technical feasibility and economic reasonableness, and allow reasonable time for compliance.

Sec. 3704.032. The [air pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION may adopt, in accordance with Chapter 119. of the Revised Code, an emergency action plan for the purpose of protecting the public health during air pollution episodes associated with atmospheric temperature inversions, which plan may define various levels of emergency conditions, the criteria on which such levels are based, and the measures to be taken at each level. The plan may include means for cooperating with persons outside this state during interstate air pollution emergencies.

If the director [of health or the board] finds that air pollution in any area exceeds any level set in the plan or otherwise presents an imminent and substantial danger to the health of persons in the areas, [the director] HE SHALL NOTIFY THE GOVERNOR, WHO may declare that an air pollution emergency exists, identify the area, and pursuant to his declaration order temporary prohibitions and restrictions of the use and operation of motor vehicles, aircraft, incinerators, and air conditioners, the operation of government and private offices, commercial, manufacturing, industrial, and other activities, the use of fuels, and any other activity that contributes or may contribute to the emergency [as determined by the director to be] necessary to meet the emergency.

Orders pursuant to the declaration of an air pollution emergency shall take effect upon issuance, and any person to whom an order is directed shall initiate compliance measures immediately upon receiving notice. During an air pollution emergency the attorney general or the prosecuting attorney of the county where a violation of an emergency order occurs may bring action for an immediate injunction to enjoin any emission or other activity violating an emergency order. The court may issue an ex parte temporary restraining order without notice which shall enforce the prohibitions and restrictions which have been determined by the director [of health] to be necessary, and shall schedule an immediate hearing on the matter.

Sec. 3704.04. The adoption, modification, and repeal of regulations and the issuance, revocation, modification, and denial of permits and variances under Chapter 3704. of the Revised Code shall be in accordance with sections 119.01 to 119.13, [inclusive,] CHAPTER 3745., AND DIVISION (H) OF SECTION 3704.03 of the Revised Code.

Sec. 3704.05. (A) No person shall cause, permit, or allow emission of an air contaminant in violation of any regulation adopted by the [air pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION under division (E) of section 3704.03 of the Revised Code, unless such person is the holder of a variance issued under division (H) of section 3704.03 of the Revised Code, permitting the emission of such contaminant in excess of that permitted by such regulation.

(B) No person who is the holder of a variance issued under division (H) of section 3704.03 of the Revised Code shall cause,

development, and funding of water management programs and improvements; give notice to the water pollution control board of receipt or preparation by the director of plans and studies which have features relative to water pollution control; and to the department of health where such plans and studies have features relative to public water supply.

As used in this section, "water resources," "governmental agencies," "beneficial use," and "water management" have the meaning set forth in section 1525.01 of the Revised Code.]

Sec. [1521.04] 6111.42. The [division of water] ENVIRONMENTAL PROTECTION AGENCY shall:

(A) Collect, study, and interpret all available information, statistics, and data pertaining to the supply, use, conservation, and replenishment of the underground and surface waters in the state;

(B) Be authorized to [co-operate] COOPERATE with and negotiate for the state with any agency of the United States government or agency of any other state pertaining to the water resources of the state;

(C) Be authorized to perform stream gauging and contract with the United States government or any other agency for the gauging of any streams within the state;

(D) [Assist in an advisory capacity any properly constituted major river watershed district, conservancy district, soil conservation district, county, municipal corporation, or other government agency of the state in the planning of works for ground water recharge, or the establishment of water conservation practices, within the limits of the appropriations for such purpose;

[E)] Have authority to furnish information to all public officials, offices, and agencies of and in the state, and to farmers, well drillers, water consumers, industries, and any other persons seeking information regarding water resources;

[F)] (E) Prescribe such [rules and] regulations subject to and in accordance with sections 119.01 to 119.13 [; inclusive,] of the Revised Code, for the drilling, operation, maintenance, and abandonment of wells as are deemed necessary by the [division] DIRECTOR OF ENVIRONMENTAL PROTECTION to prevent the contamination of the underground waters in the state. [The board is not authorized to investigate the subject of transportation by water or the subject of hydroelectric power; or to co-operate or negotiate with agencies of the United States government or of any other state with respect to such subjects] NO PERSON SHALL VIOLATE ANY SUCH REGULATION;

[G)] (F) Have access to all information and statistics which any public authority within the state has available which the [division] DIRECTOR deems pertinent to its duties;

[H)] Have authority to conduct basic inventories of the water and related natural resources in each drainage basin in the state; to develop a plan on a watershed basis which will recognize the variety

ENVIRONMENTAL PROTECTION shall prepare and maintain a comprehensive plan or plans for the development, use, and protection of water resources, covering all aspects of water management and including regional water development plans. THE DIRECTOR OF NATURAL RESOURCES SHALL PREPARE AND MAINTAIN THE ELEMENTS OF SUCH PLANS RELATING TO RECREATION, FISH, WILDLIFE, FLOOD CONTROL, AND FLOOD PLAN MANAGEMENT. [In formulating and revising such plans, the director shall consult with the Ohio water commission. The director shall deposit the plans and all revisions thereto with the commission, which shall keep the plans and revisions on file.]

THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL NOT ADOPT ANY COMPREHENSIVE PLAN UNTIL THE DIRECTOR OF NATURAL RESOURCES APPROVES THOSE PORTIONS OF THE PLAN RELATING TO RECREATION, FISH, WILDLIFE, FLOOD CONTROL, AND FLOOD PLAIN MANAGEMENT.

In the performance of his functions relating to comprehensive water resource management planning [and development], the director OF ENVIRONMENTAL PROTECTION may plan different beneficial uses for different bodies of water and different reaches thereof, and in connection therewith shall give due consideration to the practicability and the physical and economic feasibility of compliance with requirements that would be necessary to attain the water quality to support such uses, and to the equities involved therein.

[The director may make loans and grants to governmental agencies for water management and may administer grants from the federal government and from other sources, public or private, for carrying out water management functions, and for the performance of any acts which may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program.]

The director may review water management plans and studies made by, for, or required by law to be submitted to, governmental agencies, [except the water pollution control board and the department of health,] and render [financial and] staff planning assistance to such agencies.

The director may [acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. He may also] develop, implement, and coordinate a comprehensive plan for water management research by state universities and other public and private institutions.

[The director may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid by governmental agencies and persons who are supplied with water or provided sewerage, sewage, or waste disposal services by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of construction, maintenance, and operation of such facilities.

The director shall, for the purposes of coordination, planning, de-

permit, or allow emission of an air contaminant or contaminants listed therein in violation of the conditions of such variance or fail to obey an order of the [board] DIRECTOR issued under authority of such division.

(C) No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of the terms or conditions of such permit.

(D) No person shall fail to install and maintain monitoring devices or to submit reports or other information as may be required under division (I) of section 3704.03 of the Revised Code.

(E) No person TO WHOM A PERMIT OR VARIANCE HAS BEEN ISSUED shall refuse entry to [a member of the board or its] AN authorized representative OF THE DIRECTOR OR THE ENVIRONMENTAL PROTECTION AGENCY as provided in division (M) of section 3704.03 of the Revised Code, or hinder or thwart such person in making such investigation.

(F) No person shall fail to submit plans and specifications as required by section 3704.03 of the Revised Code.

(G) No person shall violate Chapter 3704. of the Revised Code, or any order, regulation, or determination of the [air pollution control board or the] director [of health] thereunder.

(H) No person shall knowingly falsify any plans, specifications, data, reports, records, or other information required to be kept or submitted to the [board] DIRECTOR by Chapter 3704. of the Revised Code or the regulations adopted thereunder.

Sec. 3704.06. The attorney general, upon the [written] request of [the air pollution control board or] the director of [health] ENVIRONMENTAL PROTECTION, shall prosecute any person who violates section 3704.05 of the Revised Code.

The attorney general, upon [written] request of the [board or the] director [of health], shall bring an action for an injunction or any other appropriate proceedings in any court of competent jurisdiction against any person violating or threatening to violate section 3704.05 of the Revised Code. The court shall have jurisdiction to grant injunctive relief or enter such other judgment, and orders enforcing such judgment, as the public interest and equities of the case require.

UPON WRITTEN COMPLAINT BY ANY PERSON, THE DIRECTOR SHALL CONDUCT SUCH INVESTIGATIONS AND MAKE SUCH INQUIRIES AS ARE NECESSARY TO SECURE COMPLIANCE WITH THIS CHAPTER. THE DIRECTOR MAY, UPON COMPLAINT OR UPON HIS OWN INITIATIVE, INVESTIGATE OR MAKE INQUIRIES INTO ANY ALLEGED VIOLATION OR ACT OF AIR POLLUTION.

Sec. 3704.07. Nothing contained in sections 3704.01 to 3704.11 [; inclusive,] of the Revised Code, shall be construed as authorizing the [air pollution control board] DIRECTOR OF ENVIRONMENTAL

PROTECTION to make any rule, regulation, determination, or order which supersedes or limits the applicability of any law or ordinance relating to industrial health, safety, or sanitation within the boundaries of the industrial property.

Sec. 3704.08. (A) Any records, reports, or information obtained under Chapter 3704. of the Revised Code shall be available for public inspection, except that upon a showing satisfactory to the [air pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION by any person that such records, reports, or information, or any particular part thereof, other than emission data, to which the [board] DIRECTOR has access under such chapter, if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the [board] DIRECTOR shall consider such record, report, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed when necessary to sustain an action brought pursuant to section 3704.06 of the Revised Code or during an adjudication hearing conducted by the [board] DIRECTOR on the denial, modification, or revocation of a variance or permit.

(B) Nothing in division (A) of this section shall be construed to prevent the [board] DIRECTOR from compiling or publishing analyses or summaries relating to the general condition of the atmosphere, provided that such reports do not reveal any information otherwise confidential under this section.

Sec. 3704.09. Determinations made by the [air pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION or other persons acting under sections 3704.02, 3704.03, and 3704.04 of the Revised Code shall not be used as evidence in civil actions nor create any presumption of law or finding of fact which shall inure to or be for the benefit of any person other than the state, and sections 3704.01 to 3704.07 [inclusive] of the Revised Code do not create, enlarge, or abrogate existing private rights. Nothing in Chapter 3704. of the Revised Code shall be construed to abridge, limit, or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceedings therefor.

Sec. 3704.11. Sections 3704.01 to 3704.11 [inclusive] of the Revised Code do not limit the authority a political subdivision of the state has to adopt and enforce ordinances or regulations relative to the prevention, control, and abatement of air pollution, except that every such local ordinance or regulation shall be consistent with Chapter 3704. of the Revised Code, and shall include emission standards and other regulations which are not less stringent than the emission standards and other regulations adopted pursuant to division (E) of section 3704.03 of the Revised Code. Nothing in this section shall prohibit any such local law from controlling any air contaminant or source of air contamination which is not subject to control under regulations of the [air pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION.

specification, supervision, and other action necessary therefor. Upon receipt of an application the [board] DIRECTOR shall make a finding on each of the following requirements:

(A) The project is in conformity with a comprehensive state plan of water pollution control;

(B) The applicant has agreed to pay the cost of completing the project not borne by the state or the federal government;

(C) The applicant has made provision satisfactory to the board assuring proper and efficient operation and maintenance of the treatment works after completion of construction;

(D) The application and the project are in conformity with law and rules and regulations of the [board] ENVIRONMENTAL PROTECTION AGENCY.

If the [board] DIRECTOR determines that all such requirements have been met, [it] HE shall approve the application and give it a priority in relation to other eligible projects on the basis of the importance of the project in water pollution control and financial needs of the applicant. Within the limits of available appropriations the [board] DIRECTOR shall order that the applicant be paid an amount of money which shall be that amount necessary to obtain the maximum federal grant under the "Federal Water Pollution Control Act," 62 Stat. 1155 (1948), 33 U.S.C. 466, as amended, and shall certify [its] HIS action to the auditor of state, who shall thereupon draw his voucher to the treasurer of state for payment of the amount specified in such order to the applicant, from moneys appropriated for such purposes. In such order the [board] DIRECTOR may include conditions, and [it] HE may order payment of part of the amount, or parts to be paid upon various dates or stages of completion of the project.

The [board] DIRECTOR may adopt rules and regulations for the administration and implementation of this section, including rules and regulations governing application requirements and reporting procedures, eligibility of applicants and projects, handling of moneys by the applicant and payment to contractors, determination of priority of projects, proportion of cost of a project to be paid by the state, and such other rules and regulations as may be necessary for administration and implementation of state and federal law and federal regulations affecting funds for water pollution control. In adopting rules and regulations concerning priority and amount of payments, the [board] DIRECTOR may consider factors in the area to be served by the project including population, family income, probable economic growth, degree and effects of water pollution, and probable future water pollution problems, and the [board] DIRECTOR may consider financial need of the applicant. In adopting any rules and regulations the [board] DIRECTOR shall provide for the most effective allocation of state funds in the prevention, control, and abatement of water pollution throughout the state.

Sec. [1501.20] 6111.41. The director of [natural resources]

of the industrial water pollution control facilities enumerated in the certificate.

(C) The industrial water pollution control facility or part or parts thereof to which the industrial water pollution control certificate relates has ceased to be used as an industrial water pollution control facility.

Notice of the date of a hearing on the revocation or modification of an industrial water pollution control certificate shall be sent by mail by the [board] DIRECTOR to the holder of the certificate, the tax commissioner, and the county auditor of any county in which any property to which such industrial water pollution control certificate relates is located. The date of such hearing shall be not less than fifteen nor more than thirty days from the date of the mailing of the notice thereof.

In the event the [board] DIRECTOR revokes or modifies an industrial water pollution control certificate [it] HE shall, within fifteen days of the date of its order modifying or revoking such certificate, notify in writing by certified mail the holder of the certificate, the tax commissioner, and the auditor of the county in which any property affected by such modification or revocation is located of [its] HIS action and from the date of the mailing of such notice the industrial water pollution control certificate affected by such order shall cease to be in force or shall remain in force only as so modified as the case may require.

Sec. 6111.39. In the event of the sale, lease, or other transfer of an industrial water pollution control facility, not involving a different location or use, the holder of an industrial water pollution control certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all the rights to exemption from taxes which were granted to the former holder or holders, effective as of the date of transfer of the facility or the date of transfer of the certificate, whichever is earlier. The transferee shall give written notice of the effective date of the transfer, together with a copy of the instrument of transfer, to the [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION, the tax commissioner, and the county auditor of the county in which the facility is located.

Sec. 6111.40. A municipal corporation, a board of county commissioners, or a district created under [Chapters] CHAPTER 6101., 6115., or 6119. of the Revised Code may apply to the [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION for moneys for the design, acquisition, construction, alteration, and improvement of treatment works to prevent the discharge of untreated or inadequately treated sewage, industrial wastes, or other wastes into waters of the state, including feasibility planning, engineering, architectural, legal, and fiscal studies, surveys, designs, plans, drawings, specifications, procedures, in-

No local air pollution control authority shall issue any enforcement order, grant any permit or variance, or institute any system or program that conflicts with, or is in any way inconsistent with any general plan, orders, or regulations of the [board] DIRECTOR.

Sec. 3704.99. (A) Whoever violates [any provision] DIVISION (A), (B), (C), (D), (E), (F), OR (G) of section 3704.05 of the Revised Code, shall be fined not more than ten thousand dollars. Each day such violation continues after a conviction for a violation is a separate offense.

(B) WHOEVER VIOLATES DIVISION (H) OF SECTION 3704.05 OF THE REVISED CODE SHALL BE FINED NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS.

Sec. 3706.02. There is hereby created the Ohio air quality development authority. Such authority is a body both corporate and politic in this state, and the carrying out of its purposes and the exercise by it of the powers conferred by Chapter 3706. of the Revised Code shall be held to be, and are hereby determined to be, essential governmental functions and public purposes of the state, but the authority shall not be immune from liability by reason thereof.

The authority shall consist of seven members as follows: five members appointed by the governor, with the advice and consent of the senate, no more than three of whom shall be members of the same political party, and the director of [ECONOMIC AND COMMUNITY development] ENVIRONMENTAL PROTECTION and the director of health, who shall be members ex officio without compensation. Each appointive member shall be a resident of the state, and a qualified elector therein. The members of the authority first appointed shall continue in office for terms expiring on June 30, 1971, June 30, 1973, June 30, 1975, June 30, 1977, and June 30, 1978, respectively, the term of each member to be designated by the governor. The successor of each such member shall be appointed for a term of eight years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. A member of the authority is eligible for reappointment. Each appointed member of the authority, before entering upon his duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor may at any time remove any member of the authority for misfeasance, nonfeasance, or malfeasance in office. The authority shall elect one of its appointed members as chairman and another as vice-chairman, and shall appoint a secretary-treasurer who need not be a member of the authority. Four members of the authority shall constitute a quorum, and the affirmative vote of four members shall be necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the authority.

Before the issuance of any air quality revenue bonds under Chapter 3706. of the Revised Code, each appointed member of the

authority shall give a surety bond to the state in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of the office, to be executed by a surety company authorized to transact business in this state, and to be approved by the governor and filed in the office of the secretary of state. Each appointed member of the authority shall receive an annual salary of five thousand dollars, payable in monthly installments. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out Chapter 3706. of the Revised Code shall be payable solely from funds provided under Chapter 3706. of the Revised Code, appropriated for such purpose by the general assembly, or provided by the emergency board or the controlling board. No liability or obligation shall be incurred by the authority beyond the extent to which moneys have been so provided or appropriated.

Sec. 3707.42. Upon obtaining the approval of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION, the legislative authority of a municipal corporation may contract for, erect, and maintain a sanitary plant on the lands acquired as provided in section 3707.41 of the Revised Code, with all necessary buildings, machinery, appliances, and appurtenances for the treatment, purification, and disposal in a sanitary and economic manner of the sewage, garbage, night soil, dead animals, offal, spoiled meats and fish, or other putrid substances, or any liquid or solid wastes, or any substance injurious to the health of the municipal corporation.

Sec. 3707.46. The sanitary board shall have entire control of the erection and maintenance of the sanitary plant and the purchase of the necessary real estate therefor on behalf of the municipal corporation. The board may modify the original plans and specifications, subject to the approval of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION, but the total cost thereof shall not exceed the original estimate.

Sec. 3734.01. As used in sections 3734.01 to 3734.11 [; inclusive,] of the Revised Code:

(A) "Board of health" means the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of [the department of health] ENVIRONMENTAL PROTECTION.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) ["Public health council" means the public health council as created by section 3701.33 of the Revised Code] "AGENCY" MEANS THE ENVIRONMENTAL PROTECTION AGENCY.

the applicant, the tax commissioner, or such county auditor may apply in writing for a reconsideration of the [board's] DIRECTOR'S determination and request the [board] DIRECTOR to hold a hearing on such application. Upon receipt of such application for reconsideration and request for hearing, the [board] DIRECTOR shall set a date for such hearing and send notice thereof by mail to all persons notified of the filing of such application. Such hearing shall be held not less than fifteen nor more than thirty days from the date of the mailing of the notice thereof.

If no application for reconsideration and request for hearing is filed within such period of fifteen days, the [board's] DIRECTOR'S determination shall be final. If such application and request is filed, the [board] DIRECTOR, after such hearing, shall finally determine whether the application for an industrial water pollution control certificate should be allowed or disallowed, in whole or in part, and shall send notice thereof by mail to all persons notified of the application for reconsideration.

If any determination of the [board] DIRECTOR which has become final contains a finding that any of the structures or items enumerated in the application for a certificate will be an industrial water pollution control facility, the [board] DIRECTOR shall issue an industrial water pollution control certificate to that effect.

The effective date of such certificate shall be the date when the item or items described therein are acquired or when title to or possession of such item or items is first transferred to the applicant or when construction of any structure or structures enumerated therein begins, whichever is earlier, provided such application shall not relate to facilities placed in operation or capable of operation prior to December 31, 1965, and shall remain in force and effect until revoked or modified as provided by [sections] SECTION 6111.32 or 6111.33 of the Revised Code.

Upon the issuance of a certificate the [board] DIRECTOR shall send, by certified mail, such certificate to the applicant and a certified copy thereof to the tax commissioner and to the county auditor of the county or counties in which any property to which the certificate relates is located. The county auditor shall file such certified copy of the certificate of record in his office.

Sec. 6111.32. The [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION may on [its] HIS own motion or upon written complaint by the tax commissioner or by the county auditor of the county in which any property to which an industrial water pollution control certificate relates is located, after notice and hearing as provided in this section, revoke or modify an industrial water pollution control certificate for any of the following reasons:

(A) The certificate was obtained by fraud or misrepresentation.

(B) The holder of the certificate has failed substantially to proceed with the construction, operation, installation, or acquisition

Sec. 6111.30. If a legislative authority, a department, or an officer of a municipal corporation, or person in charge of a public institution, or OTHER person [~~;~~ partnership, or private corporation] fails for a period of thirty days, after notice given him or them by the director of [~~health~~] ENVIRONMENTAL PROTECTION of his findings and order [~~and the approval thereof by the public health council~~], to perform any act required of it by sections 6111.12 to 6111.30 [~~;~~ inclusive,] of the Revised Code, relating to public water supply, the members of such legislative authority or department, or such officer [~~;~~] OR person [~~;~~ partnership, or private corporation] shall be personally liable for such default, and shall forfeit [~~five hundred~~] TEN THOUSAND dollars to be paid into the state treasury to the credit of the general revenue fund. Such findings and order of the director [~~;~~ as approved by the council], unless complied with within the time provided in this section, shall be prima-facie evidence in any court of law of the existence of a public nuisance detrimental to health or comfort, or of the pollution of the source of a public water supply.

An action may be begun for the recovery of such forfeiture by the prosecuting attorney of a county in the name of the state in the court of common pleas of such county having jurisdiction of any such party, or it may be begun by the attorney general in such county or the county of Franklin, as provided in section 109.16 of the Revised Code. The court of common pleas, upon good cause shown, may remit such forfeiture or any part thereof.

Sec. 6111.31. Appliances, equipment, machinery, and structures comprising all or a part of an industrial water pollution control facility as defined in section 6111.01 of the Revised Code, and installed pursuant to the approval of the [~~water pollution control board~~] ENVIRONMENTAL PROTECTION AGENCY or any other governmental agency having authority to approve the installation of industrial or other water pollution abatement or control facilities, and which is initially placed in operation, or is initially capable of operation on or after December 31, 1965, shall be excepted from personal property taxes, franchise taxes and sales and use taxes, as provided in this section. Application for an industrial water pollution control certificate shall be filed with the [~~water pollution control board~~] DIRECTOR OF ENVIRONMENTAL PROTECTION in such manner and in such form as may be prescribed by regulations adopted and promulgated by the [~~board~~] DIRECTOR and shall contain plans and specifications of the structure or structures, including all materials to be incorporated therein, and a descriptive list of all appliances, equipment, and machinery to be used as an industrial water pollution control facility. The [~~board~~] DIRECTOR shall promptly determine whether such application should be allowed or disallowed, in whole or in part, and shall give notice of such determination by mail to the applicant, the tax commissioner, and the auditor of the county or counties in which the structure or items described in the application will be located.

Within fifteen days after the date of the mailing of such notice

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations and slag and other substances which are not harmful or inimical to public health, and includes, BUT IS NOT LIMITED TO, garbage, combustible and non-combustible material, street dirt, and debris.

(F) "Solid waste disposal" means final disposition of solid wastes by means acceptable under regulations adopted by the [~~public health council~~] DIRECTOR under section 3734.02 of the Revised Code.

(G) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other entity.

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel which is not approved in regulations adopted by the [~~public health council~~] DIRECTOR.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground without compacting the wastes and covering with suitable material to a depth as prescribed by regulations adopted by the [~~public health council~~] DIRECTOR under section 3734.02 of the Revised Code.

Sec. 3734.02. (A) The [~~public health council~~] DIRECTOR OF ENVIRONMENTAL PROTECTION, subject to sections 119.01 to 119.13 [~~;~~ inclusive,] of the Revised Code, shall adopt regulations having uniform application throughout the state governing solid waste disposal sites and facilities and the inspections and issuance of licenses for all solid waste disposal sites and facilities in order to assure that such sites and facilities will be located, maintained, and operated in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, or create a health hazard. Such regulations shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste disposal sites and facilities.

(B) The director shall prescribe and furnish the application for license, inspection record, and other forms necessary to administer and enforce sections 3734.01 to 3734.11 [~~;~~ inclusive,] of the Revised Code.

(C) No person shall establish a solid waste disposal site or facility after the effective date of the regulations adopted by the [~~public health council~~] DIRECTOR under section 3734.02 of the Revised Code without first submitting to and having approved by the director detail plans of the site, facility, and method of operation.

(D) Sections 3734.01 to 3734.11 [~~;~~ inclusive,] of the Revised Code and regulations adopted pursuant thereto are not applicable

to single family residential premises or to the temporary storage of solid wastes prior to their collection for disposal or to the collection of solid wastes by a political subdivision or a person holding a franchise or license from a political subdivision of the state.

Sec. 3734.05. (A) No person shall operate or maintain a solid waste disposal site or facility after January 1, 1969, without a license issued by the board of health of the health district in which such site or facility is located.

(B) During the month of December, but before the first of January of the next year, every person proposing to continue to operate an existing solid waste disposal site or facility shall procure a license to operate such site or facility for such year from the board of health of the health district in which the site or facility is located. A person who has received a license, upon sale or disposition of a solid waste disposal site or facility may, upon consent of the board of health and the director OF ENVIRONMENTAL PROTECTION, have the license transferred to another person.

(C) Each person proposing to open a new solid waste disposal site or facility shall submit plans and specifications to the [~~department of health~~] ENVIRONMENTAL PROTECTION AGENCY for required approval under the regulations adopted by the [~~public health council~~] DIRECTOR OF ENVIRONMENTAL PROTECTION pursuant to section 3734.02 of the Revised Code at least sixty days before proposed operation of the site or facility and concurrently make application for a license with the board of health of the health district in which the proposed site or facility is to be located. NO APPROVAL SHALL BE DENIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH DENIAL, REVOCATION, OR MODIFICATION IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR PERMIT HOLDER BY CERTIFIED MAIL.

Sec. 3734.09. The board of health of a health district in which a solid waste disposal facility or site is located may suspend, revoke, or deny a license for violation of sections 3734.01 to 3734.11 [~~; inclusive,~~] of the Revised Code. Unless there is an immediate serious public health hazard, no suspension, revocation, or denial of a license shall be made effective until the operator of the solid waste disposal facility has been given notice in writing of the specific violations and a reasonable time to make corrections. NO LICENSE SHALL BE SUSPENDED, REVOKED, OR DENIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH SUSPENSION, REVOCATION, OR DENIAL IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR LICENSEE BY CERTIFIED MAIL.

Before the board of health may suspend, revoke, or deny a license to a political subdivision, it shall afford the political subdivision a hearing at which time the political subdivision may

ized to be charged will not provide revenue sufficient to operate said water works and make a reasonable return upon the investment after such improvements and changes are made, it shall by order authorize the collection of such additional charges and compensation as may be just and reasonable.

Sec. 6111.28. The legislative authority of each municipal corporation, department, or officer having jurisdiction to provide for the raising of revenue by tax levies, sales of bonds, or otherwise shall take all steps necessary to secure the funds for any purpose set forth in sections 6111.12 to 6111.30 [~~; inclusive,~~] of the Revised Code. When the funds are secured, or the bonds therefor have been sold, such funds shall be considered as in the treasury and appropriated for such particular purpose, and shall not be used for any other purpose. Contracts for expenditure from such funds shall not be valid unless approved by the director of [~~health~~] ENVIRONMENTAL PROTECTION.

Sec. 6111.29. If the department of taxation certifies to the director of [~~health~~] ENVIRONMENTAL PROTECTION that the municipal corporation is unable to comply with section 6111.28 of the Revised Code without a vote of the electors by reason of existing debt and tax limitations, the director may find that an emergency exists requiring the immediate issue of bonds. When such finding, approved by the governor, is certified to the taxing authority of the municipal corporation, it shall:

(A) Provide such funds as can be provided without a vote of the electors;

(B) Issue bonds without such vote which bonds shall be outside of the one per cent limitation provided by section 133.03 of the Revised Code but within the limitation of five per cent provided thereby, but nothing in this section shall prevent the application to such bonds of division (D) of section 133.03 of the Revised Code to the extent that the income from the improvement made under order of the director is sufficient to cover the cost of all operating expenses and debt charges on said bonds or part thereof;

(C) If sufficient funds cannot be produced under division (A) and (B) of this section, issue bonds without vote of the electors outside of the five per cent limitation provided by section 133.03 of the Revised Code in the amount required to provide the balance necessary. The certificate of the department as to the amount of such balance necessary shall be final. The debt charges on bonds issued under order of the director outside the one per cent or five per cent limitations prescribed by section 133.03 of the Revised Code shall be outside the one per cent limitation prescribed by Section 2 of Article XII, Ohio Constitution, but the net indebtedness on bonds issued prior to August 11, 1927, under section 6111.28 of the Revised Code or issued under this section shall never exceed three per cent of the total value of all property in such municipal corporation as listed and assessed for taxation.

water purification or treatment works in a manner satisfactory to the director. The ~~[order of the director and the time fixed for making the improvements or changes shall be approved by the council and]~~ notification shall be by personal service or by ~~[registered letter]~~ CERTIFIED MAIL to the mayor or managing officer or officers of the municipal corporation, public institution, or corporation, partnership, or person to whom ~~[said]~~ THE order applies.

Sec. 6111.20. When the director of ~~[health]~~ ENVIRONMENTAL PROTECTION finds upon investigation, that any water purification or sewage treatment works, on account of incompetent supervision or inefficient operation is not producing an effluent of such quality as might be reasonably obtained from such water purification or sewage treatment works, and by reason of such neglect the public water supply has become impure and dangerous to health, or that a stream, watercourse, canal, lake, pond, or body of water has become offensively polluted or has become a public nuisance or that a public water supply taken from such stream, watercourse, canal, lake, pond, or body of water has been rendered impure and dangerous to health, the director shall issue an order to the mayor or managing officer or officers of the municipal corporation, public institution, ~~[or corporation, partnership,]~~ or person having charge of or owning such water purification or sewage treatment works, to secure an effluent of such quality as might be reasonably expected from such works and satisfactory to the director.

If such managing officer or officers of a municipal corporation, public institution, ~~[or corporation, partnership,]~~ or person fails, for a period of five days after receiving such order, to secure an effluent satisfactory to the director, the director shall ~~[report the fact to the public health council and upon its approval may]~~ order such managing officer or officers or person owning such works to appoint, within ten days, and pay the salary of a competent person to be approved by the director, to take charge of and operate such works as to secure the results demanded by the director.

Sec. 6111.23. Where an order of the director of ~~[health]~~ ENVIRONMENTAL PROTECTION to a ~~[corporation, partnership, or]~~ person owning and operating a water works is ~~[approved or modified by the referees provided for in sections 6111.21 and 6111.22 of the Revised Code, or if such corporation, partnership, or person accepts such order without appeal to such referees]~~ FINAL and it ~~[shall be]~~ IS claimed by such ~~[corporation, partnership, or]~~ person that the revenues derived from the operation of such water works are not sufficient to warrant the expense of making the improvements or changes so ordered, an application may be made to the public utilities commission for authority to make and collect additional charges from the water consumers and users of the utility's service. Upon the filing of such application the commission shall fix a time for the hearing thereof and give notice thereof to the mayor of the municipal corporation and the director. If upon hearing the commission finds that the rates theretofore author-

present evidence concerning its financial ability to comply with the regulations adopted by the public health council pursuant to section 3734.02 of the Revised Code. Such evidence may include and the board of health shall consider the existing limitations on the taxing power and debt limitations of the political subdivision, the extent to which the political subdivision is levying taxes and has incurred debt, and the other governmental and proprietary needs of the political subdivision as such needs affect its remaining authority to levy taxes and incur debt to comply with the regulations adopted by the public health council. After considering the evidence the board of health may grant the political subdivision a conditional license to operate a solid waste disposal site or facility, without full compliance with the regulations adopted by the public health council and establish a reasonable time for full compliance by said political subdivision, which time may be extended by the board of health from time to time for good cause. Appeal from any suspension, revocation, or denial of a license shall be made in accordance with sections ~~[119.01 to 119.13]~~ 3745.02 TO 3745.06 ~~[inclusive]~~ of the Revised Code ~~[; where such action is proposed by the director, and in accordance with Chapter 2506. of the Revised Code when such action is taken by a board of health].~~

Sec. 3734.10. The ATTORNEY GENERAL, OR THE prosecuting attorney of the county or the city solicitor or attorney of the city WHERE A VIOLATION OCCURS, upon complaint of the respective board of health of the health district or the director OF ENVIRONMENTAL PROTECTION, shall prosecute to termination or bring an action for injunction against any person violating sections 3734.01 to 3734.11 ~~[; inclusive,]~~ of the Revised Code. The common pleas court in which an action for injunction is filed has the jurisdiction to grant injunctive relief upon a showing that the respondent named in the petition is operating a solid waste disposal site or facility in violation of sections 3734.01 to 3734.11 ~~[; inclusive,]~~ of the Revised Code.

UPON WRITTEN COMPLAINT BY ANY PERSON THE BOARD OF HEALTH OR THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL CONDUCT SUCH INVESTIGATIONS AND MAKE SUCH INQUIRIES AS ARE NECESSARY TO SECURE COMPLIANCE WITH THIS CHAPTER OR THE REGULATIONS ADOPTED THEREUNDER. THE DIRECTOR OR ANY BOARD OF HEALTH MAY, UPON COMPLAINT OR UPON THEIR OWN INITIATIVE, INVESTIGATE OR MAKE INQUIRIES INTO ANY ALLEGED VIOLATION OR ACT OF IMPROPER SOLID WASTE DISPOSAL.

Sec. 3745.01. THERE IS HEREBY CREATED THE ENVIRONMENTAL PROTECTION AGENCY, HEADED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION. THE AGENCY SHALL, UNDER THE SUPERVISION OF THE DIRECTOR, ADMINISTER THE LAWS AND REGULATIONS PERTAINING TO THE PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION, PUBLIC WATER SUP-

PLY, COMPREHENSIVE WATER RESOURCE MANAGEMENT PLANNING, AND THE DISPOSAL AND TREATMENT OF SOLID WASTES, SEWAGE, INDUSTRIAL WASTE, AND OTHER WASTES. THE DIRECTOR MAY:

(A) PROVIDE SUCH METHODS OF ADMINISTRATION, APPOINT SUCH PERSONNEL, MAKE SUCH REPORTS, AND TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL LAWS AND REGULATIONS PERTAINING TO AIR AND WATER POLLUTION CONTROL, PUBLIC WATER SUPPLY, WATER RESOURCE PLANNING, AND WASTE DISPOSAL AND TREATMENT. ALL EMPLOYEES OF THE AGENCY SHALL BE IN THE CLASSIFIED SERVICE EXCEPT THOSE SPECIFICALLY INCLUDED IN THE UNCLASSIFIED SERVICE UNDER DIVISION (A) (8) OF SECTION 143.08 OF THE REVISED CODE;

(B) PROCURE BY CONTRACT THE TEMPORARY OR INTERMITTENT SERVICES OF EXPERTS OR CONSULTANTS OR ORGANIZATIONS THEREOF WHEN SUCH SERVICES ARE TO BE PERFORMED ON A PART-TIME OR FEE-FOR-SERVICE BASIS AND DO NOT INVOLVE THE PERFORMANCE OF ADMINISTRATIVE DUTIES;

(C) ENTER INTO AGREEMENTS FOR THE UTILIZATION OF THE FACILITIES AND SERVICES OF OTHER DEPARTMENTS, AGENCIES, AND INSTITUTIONS, PUBLIC OR PRIVATE;

(D) ESTABLISH ADVISORY BOARDS IN ACCORDANCE WITH SECTION 121.13 OF THE REVISED CODE;

(E) ACCEPT ON BEHALF OF THE STATE AND DEPOSIT WITH THE TREASURER OF STATE ANY GRANT, GIFT, OR CONTRIBUTION MADE FOR AIR OR WATER POLLUTION CONTROL, PUBLIC WATER SUPPLY, WATER RESOURCE PLANNING, WASTE DISPOSAL OR TREATMENT, OR RELATED PURPOSES, AND EXPEND THE SAME FOR SUCH PURPOSES;

(F) MAKE AN ANNUAL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON ACTIVITIES AND EXPENDITURES INCLUDING RECOMMENDATIONS FOR SUCH ADDITIONAL LEGISLATION AS HE CONSIDERS APPROPRIATE TO CARRY OUT HIS DUTIES OR ACCOMPLISH THE PURPOSES OF THIS SECTION.

THE AGENCY SHALL UTILIZE THE LABORATORY FACILITIES OF THE DEPARTMENT OF HEALTH AND OTHER STATE INSTITUTIONS AND AGENCIES TO THE MAXIMUM PRACTICABLE EXTENT.

THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL MAINTAIN AND KEEP AVAILABLE FOR PUBLIC INSPECTION, AT HIS PRINCIPAL OFFICE, A CURRENT REGISTER OF ALL APPLICATIONS FILED FOR PERMITS,

TOR OF ENVIRONMENTAL PROTECTION determines that improvements or changes are necessary and should be made, the director [~~of health~~] shall notify the mayor or managing officer or officers of the municipal corporation, county, or public institution or the [~~corporation, partnership, or~~] person owning or operating such water supply or water-works system to make improvements, corrections, and changes in the location, protection, construction, operation, or maintenance of the water supply or water-works system satisfactory to the director, so as to prevent the contamination of the water supply or to provide a water supply not subject to the danger of contamination, or to provide a water supply and water-works system adequate to avoid endangering the public health. The [~~order of the director and the time fixed for making the improvements or changes shall be approved by the council and the~~] notification shall be made by personal service upon or by [~~registered letter~~] CERTIFIED MAIL to the mayor or managing officer or officers of the municipal corporation, county, or public institution or to the officials, corporation, partnership, or person to whom [~~said~~] THE order applies. [~~When such order is issued subsequent procedures shall be in accordance with and governed by sections 6111.21 to 6111.30, inclusive, of the Revised Code.~~]

Sec. 6111.18. If the director of [~~health~~] ENVIRONMENTAL PROTECTION finds that the public water supply of a municipal corporation or public institution is impure and dangerous to health and that it is not practicable to sufficiently improve the character of such supply by removing the source of pollution affecting it, or if the director finds that such water supply is being rendered impure and dangerous to health by reason of improper construction or inadequate size of existing water purification works, or if the director finds that such water supply does not have a fluoride content as required by section 6111.13 of the Revised Code, he shall notify such municipal corporation, public institution, [~~corporation, partnership,~~] or person owning or operating such water supply or water works of his findings and of the time and place when and where a hearing may be had [~~before the public health council~~]. Such notice shall be by personal service or shall be sent by [~~registered letter~~] CERTIFIED MAIL to the mayor or managing officer or officers of the municipal corporation, public institution, [~~or corporation, partnership,~~] or person owning or operating such water supply or water works.

Sec. 6111.19. After the hearing provided for in section 6111.18 of the Revised Code, if the [~~public health council~~] DIRECTOR OF ENVIRONMENTAL PROTECTION determines that improvements or changes are necessary and should be made, the director [~~of health~~] shall notify the mayor or managing officer or officers of the municipal corporation, public institution [~~or corporation, partnership,~~] or person owning or operating such water supply or water works to change the source of supply or to install and place in operation water purification or treatment works or device satisfactory to the director, or to change or enlarge existing

AGENCY, and whenever requested to do so by the local health officials, and may adopt and enforce orders and regulations governing the construction, operation, and maintenance of such public water supply and water-works systems, and may require the submission of records of construction, operation, and maintenance, including plans and descriptions of existing works. When the [department] AGENCY has required the submission of such records or information the public officials or person, firm, or corporation having the works in charge shall promptly comply with such request.

Sec. 6111.14. Every municipal corporation or other subdivision or district, public institution, or person, firm, or corporation owning or operating a public water supply or water-works system shall have analyses of the water made at such intervals and in such manner as may be ordered by the [department of health] ENVIRONMENTAL PROTECTION AGENCY. Records of the results of such analyses shall be maintained and reported as required by the [department] AGENCY.

Sec. 6111.15. No official, officer, or employee having in charge or being employed in the maintenance and operation of a public water supply and water-works system and no other person, firm, or corporation shall establish or permit to be established any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply may enter the supply or distributing system, unless such private, auxiliary, or emergency water supply, and the method of connection and use of such supply, has been approved by the [department of health] ENVIRONMENTAL PROTECTION AGENCY.

Sec. 6111.16. When the director of [health] ENVIRONMENTAL PROTECTION finds, upon investigation, that a public water supply is subject to the danger of contamination by reason of unsatisfactory location, protection, construction, operation, or maintenance of the system, or by reason of the existence of an unsafe emergency supply or connection to an unsafe private or auxiliary supply, or if the director finds upon investigation that the public health is endangered by reason of the existence of an inadequate public water supply or water-works system, he shall notify the municipal corporation, county, public institution, [corporation, partnership,] or person, owning or operating such public water supply or water-works system of his findings and of the time and place, when and where a hearing may be had [before the public health council]. Such notice shall be by personal service, or shall be sent by [registered letter] CERTIFIED MAIL to the mayor or managing officer or officers of the municipal corporation, county, or public institution or to the [corporation, partnership, or] person owning or operating such supply. Investigations made in accordance with this section may be at the initiative of the director.

Sec. 6111.17. After the hearing provided for in section 6111.16 of the Revised Code, if the [public health council] DIREC-

LEASES, LICENSES, VARIANCES, CERTIFICATES, AND APPROVAL OF PLANS AND SPECIFICATIONS, UNDER HIS JURISDICTION, HEARINGS PENDING, HIS FINAL ACTION THEREON, AND THE DATES ON WHICH SUCH FILINGS, HEARINGS, AND FINAL ACTIONS OCCUR.

Sec. 3745.011. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE ENVIRONMENTAL PROTECTION AGENCY SHALL:

(A) PROMULGATE AND PUT INTO EXECUTION A LONG TERM COMPREHENSIVE PLAN AND PROGRAM TO CONSERVE, PROTECT, AND ENHANCE THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE;

(B) PREVENT AND ABATE POLLUTION OF THE ENVIRONMENT FOR THE PROTECTION AND PRESERVATION OF THE HEALTH, SAFETY, WELFARE, AND PROPERTY OF THE PEOPLE OF THE STATE;

(C) ADMINISTER THE AIR, WATER, AND OTHER NATURAL RESOURCES OF THE STATE FOR THE USE AND BENEFIT OF THE PEOPLE OF THE STATE;

(D) PROMOTE THE DEVELOPMENT OF TECHNOLOGY FOR ENVIRONMENTAL PROTECTION AND MANAGEMENT;

(E) OPERATE THE STATE GOVERNMENT IN WAYS DESIGNED TO MINIMIZE ENVIRONMENTAL DAMAGE, AND ASSIST AND COOPERATE WITH GOVERNMENTAL AGENCIES TO RESTORE, PROTECT, AND ENHANCE THE QUALITY OF THE ENVIRONMENT;

(F) PROVIDE FOR ENFORCEMENT OF THE RIGHT OF THE PEOPLE TO ENVIRONMENTAL QUALITY CONSISTENT WITH HUMAN HEALTH AND WELFARE.

THE DIRECTOR OF ENVIRONMENTAL PROTECTION MAY DESIGNATE ONE OF HIS STAFF TO SERVE DIRECTLY UNDER THE DIRECTOR AS AN OMBUDSMAN AND EXPEDITOR BETWEEN THE CITIZENS AND THE ENVIRONMENTAL PROTECTION AGENCY IN ALL MATTERS OF THE ENVIRONMENT.

Sec. 3745.02. THERE IS HEREBY CREATED AN ENVIRONMENTAL BOARD OR REVIEW, CONSISTING OF THREE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE FOR TERMS OF SIX YEARS, EXCEPT THAT THE TERMS OF THE FIRST MEMBERS OF THE BOARD SHALL BE FOR TWO, FOUR, AND SIX YEARS, RESPECTIVELY, AS DESIGNATED BY THE GOVERNOR AT THE TIME OF THE APPOINTMENT. ANY VACANCY IN THE OFFICE OF A MEMBER OF THE BOARD SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE UNEXPIRED TERM OF THE MEMBER WHOSE OFFICE WILL BE VACANT. EACH VACANCY SHALL BE FILLED BY APPOINTMENT WITHIN SIXTY DAYS AFTER THE VACANCY

OCCURS. EACH MEMBER SHALL HAVE EXTENSIVE EXPERIENCE IN POLLUTION CONTROL AND ABATEMENT TECHNOLOGY, ECOLOGY, PUBLIC HEALTH, ENVIRONMENTAL LAW, ECONOMICS OF NATURAL RESOURCE DEVELOPMENT, OR RELATED FIELDS. AT LEAST ONE SHALL BE AN ATTORNEY. NOT MORE THAN TWO MEMBERS SHALL BE OF THE SAME POLITICAL PARTY. EACH MEMBER SHALL SERVE FULL TIME.

THE BOARD MAY APPOINT A SECRETARY TO HOLD OFFICE AT ITS PLEASURE. THE SECRETARY SHALL PERFORM SUCH DUTIES AS THE BOARD PRESCRIBES, AND SHALL RECEIVE SUCH COMPENSATION AS THE BOARD FIXES IN ACCORDANCE WITH SCHEDULES AS ARE PROVIDED BY LAW FOR THE COMPENSATION OF STATE EMPLOYEES. THE BOARD MAY EMPLOY SUCH OTHER EMPLOYEES AS ARE NECESSARY TO PERFORM ITS DUTIES, AND SUCH OTHER EMPLOYEES SHALL BE IN THE CLASSIFIED SERVICE. THE BOARD MAY RETAIN THE SERVICES OF EXPERTS, CONSULTANTS, AND INTERMITTENT HELP. THE ENVIRONMENTAL PROTECTION AGENCY SHALL FURNISH SUCH CLERICAL AND STENOGRAPHIC SERVICES TO THE BOARD AS THE BOARD REQUESTS AND IS REASONABLY AVAILABLE.

TWO MEMBERS CONSTITUTE A QUORUM AND NO ACTION OF THE BOARD SHALL BE VALID UNLESS IT HAS THE CONCURRENCE OF AT LEAST TWO MEMBERS. THE BOARD SHALL KEEP A RECORD OF ITS PROCEEDINGS.

BIENNIALLY ONE MEMBER SHALL BE ELECTED AS CHAIRMAN AND ANOTHER MEMBER SHALL BE ELECTED AS VICE-CHAIRMAN. SUCH OFFICERS SHALL SERVE FOR TERMS OF TWO YEARS.

THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FROM OFFICE FOR CONFLICT OF INTEREST, MALFEASANCE, OR NONFEASANCE, AFTER DELIVERING TO THE MEMBER THE CHARGES AGAINST HIM IN WRITING TOGETHER WITH AT LEAST TEN DAYS' WRITTEN NOTICE OF THE TIME AND PLACE AT WHICH THE GOVERNOR WILL PUBLICLY HEAR THE MEMBER, EITHER IN PERSON OR BY COUNSEL, IN DEFENSE OF THE CHARGES AGAINST HIM. IF THE MEMBER IS REMOVED FROM OFFICE, THE GOVERNOR SHALL FILE IN THE OFFICE OF THE SECRETARY OF STATE A COMPLETE STATEMENT OF THE CHARGES MADE AGAINST THE MEMBER AND A COMPLETE REPORT OF THE PROCEEDINGS THEREON. THE ACTION OF THE GOVERNOR IN REMOVING THE MEMBER FROM OFFICE IS FINAL.

THE BOARD SHALL PROVIDE ITSELF AND ITS EMPLOYEES WITH SUCH OFFICES, EQUIPMENT, AND SUPPLIES AS ARE NECESSARY TO PERFORM ITS DUTIES, USING THOSE AVAILABLE FROM THE ENVIRONMENTAL PROTECTION AGENCY WHEREVER POSSIBLE. THE BOARD SHALL PRE-

(A) On or before January 1, 1971, for a public water supply and water-works system supplying water to twenty thousand or more persons;

(B) On or before January 1, 1972, for a public water supply and water-works system supplying water to five thousand or more persons, but less than twenty thousand persons. A municipal corporation may request the [department of health] ENVIRONMENTAL PROTECTION AGENCY for reimbursement of the actual cost of acquiring and installing equipment, excluding chemicals added to the water supply, necessary for compliance with division (A) or (B) of this section. The director of [health] ENVIRONMENTAL PROTECTION, upon determination of the necessity of this cost for this purpose, shall order the reimbursement of the municipal corporation for such costs, from funds available to the [department] AGENCY.

Within one hundred twenty days after [the effective date of this section] NOVEMBER 17, 1969, a petition may be filed with the board of elections of a county containing a political subdivision served by a public water supply to which fluoride must be added under this section and where fluoride was not regularly added to such water supply prior to the filing of such petition, requesting that the issue of adding fluoride to this water supply be placed on the ballot at a special election in the political subdivisions of the county or adjoining counties served by the water supply, to be held on a date specified in the petition, not less than ninety nor more than one hundred twenty days after the date of filing the petition.

The petition shall meet the requirements of section 3501.38 of the Revised Code and, in addition, shall designate the political subdivisions in the county and adjoining counties served by the water supply and shall be signed by not less than ten per cent of the number of electors served by the water supply of each political subdivision who voted for governor at the last preceding gubernatorial election. The board of elections shall place the issue on the ballot at the special election to be held in the political subdivisions served by the water supply.

If a water supply extends into more than one county, the board of elections of the county where the petitions are filed shall, within ten days after such filing, send notice of such filing to all other boards of elections of counties served by the water supply and shall furnish all ballots for the special election.

In political subdivisions where only a part of the electors are served by the water supply, only those electors shall be allowed to vote on the issue who sign forms provided by the board of elections stating that they are served by the water supply. The question of adding fluoride to the water supply shall be determined, at this election, by a majority vote of those voting on the issue.

The [department] ENVIRONMENTAL PROTECTION AGENCY shall investigate the public water supplies throughout the state as frequently as is deemed necessary by the [department]

Code, or who violates any order of the board promulgated pursuant to such sections.

The attorney general, upon request of the [board] DIRECTOR OF ENVIRONMENTAL PROTECTION, shall bring an action for an injunction against any person violating or threatening to violate such sections, or violating or threatening to violate any order of the [board] DIRECTOR promulgated pursuant to such sections. In an action for injunction to enforce any final order of the [board] DIRECTOR brought pursuant to this section, the finding by the [board] DIRECTOR, after hearing, is prima-facie evidence of the facts found therein.

(C) NO PERSON SHALL KNOWINGLY SUBMIT FALSE INFORMATION OR RECORDS REQUIRED AS A CONDITION OF A PERMIT.

Sec. 6111.12. Whenever [the board of health, or officer or officers performing the duties of a board of health of a municipal corporation or ten per cent of the electors thereof, or the managing officer or officers of a public institution, shall file] ANY PERSON FILES with the [department of health] ENVIRONMENTAL PROTECTION AGENCY a complaint, in writing, setting forth that it is believed that [the] ANY public water supply [of such city or general health district, or public institution,] is impure and dangerous to health or does not contain quantities of fluoride as required by section 6111.13 of the Revised Code, the director of [health] ENVIRONMENTAL PROTECTION shall forthwith inquire into and investigate the conditions contained in the complaint.

Sec. 6111.13. The [department of health] ENVIRONMENTAL PROTECTION AGENCY shall exercise general supervision of the operation and maintenance of the public water supply and water-works systems throughout the state. For the purposes of sections 6111.13 to 6111.17 [; inclusive,] of the Revised Code, a public water supply and water-works system includes any such system publicly or privately owned which is of a public or quasi-public nature installed for a municipal corporation or part thereof, an unincorporated community, a county sewer district, or other land outside a municipal corporation, a state, county, district or municipal public institution, a privately owned institution, university, college, seminary or school, club, church, factory, or other place of employment, or other public, quasi-public, or privately owned institution, building, or place used for the assemblage or employment of persons. Such general supervision shall include all features of construction, operation, and maintenance of systems for supply, treatment, storage, and distribution, which do or may affect the sanitary quality or fluoride content of the water supply.

If the natural fluoride content of supplied water of a public water supply and water-works system is less than eight-tenths milligrams per liter of water, fluoride shall be added to such water to maintain a fluoride content of not less than eight-tenths milligrams per liter of water nor more than one and three-tenths milligrams per liter of water beginning:

PARE AND SUBMIT BUDGETS AND APPROPRIATION REQUESTS SEPARATE FROM THOSE OF THE ENVIRONMENTAL PROTECTION AGENCY, IN ACCORDANCE WITH SECTION 125.06 OF THE REVISED CODE.

Sec. 3745.03. THE ENVIRONMENTAL BOARD OF REVIEW SHALL ADOPT REGULATIONS GOVERNING PROCEDURE TO BE FOLLOWED FOR HEARINGS BEFORE IT. NO REGULATION ADOPTED BY THE BOARD SHALL BE EFFECTIVE UNTIL THE TENTH DAY AFTER IT HAS BEEN ADOPTED BY THE FILING OF A CERTIFIED COPY THEREOF WITH THE SECRETARY OF STATE WHO SHALL RECORD THEM UNDER THE HEADING "REGULATIONS OF THE ENVIRONMENTAL BOARD OF REVIEW." THE REGULATIONS SHALL BE NUMBERED CONSECUTIVELY UNDER THE HEADING AND SHALL BEAR THE DATE OF FILING. THE REGULATIONS SHALL BE PUBLIC RECORDS OPEN TO PUBLIC INSPECTION.

NO REGULATION FILED IN THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL BE AMENDED EXCEPT BY A REGULATION WHICH CONTAINS THE ENTIRE REGULATION AS AMENDED AND WHICH REPEALS THE REGULATION AMENDED. EACH REGULATION WHICH AMENDS A REGULATION SHALL BEAR THE SAME CONSECUTIVE REGULATION NUMBER AS THE NUMBER OF THE REGULATION WHICH IT AMENDS, AND IT SHALL BEAR THE DATE OF FILING.

NO REGULATION FILED IN THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL BE REPEALED EXCEPT BY A REGULATION. EACH REGULATION WHICH REPEALS A REGULATION SHALL BEAR THE SAME CONSECUTIVE REGULATION NUMBER AS THE NUMBER OF THE REGULATION WHICH IT REPEALS, AND IT SHALL BEAR THE DATE OF FILING.

THE AUTHORITY AND THE DUTY OF THE BOARD TO ADOPT REGULATIONS UNDER THIS SECTION SHALL NOT BE GOVERNED BY OR BE SUBJECT TO CHAPTER 119. OF THE REVISED CODE.

THE BOARD SHALL HAVE AVAILABLE AT ALL TIMES COPIES OF ALL REGULATIONS OF THE BOARD WHICH IT HAS FILED IN THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO THIS SECTION, AND SHALL FURNISH THEM FREE OF CHARGE TO ANY PERSON REQUESTING THEM.

THE BOARD SHALL MAINTAIN AND KEEP AVAILABLE FOR PUBLIC INSPECTION, AT ITS PRINCIPAL OFFICE, A CURRENT REGISTER OF ALL APPEALS FILED, HEARINGS PENDING, ITS FINAL ACTION THEREON, AND THE DATES ON WHICH SUCH FILINGS, HEARINGS, AND FINAL ACTIONS OCCUR.

Sec. 3745.04. AS USED IN THIS SECTION, "ANY PER-

SON" MEANS ANY INDIVIDUAL, ANY PARTNERSHIP, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY, OR ANY POLITICAL SUBDIVISION, INSTRUMENTALITY, OR AGENCY OF A STATE, WHETHER OR NOT THE INDIVIDUAL OR LEGAL ENTITY IS AN APPLICANT FOR OR HOLDER OF A LICENSE, PERMIT, OR VARIANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY.

AS USED IN THIS SECTION, "ACTION" OR "ACT" INCLUDES THE ADOPTION, MODIFICATION, OR REPEAL OF A REGULATION OR STANDARD, THE ISSUANCE, MODIFICATION, OR REVOCATION OF ANY LAWFUL ORDER OTHER THAN AN EMERGENCY ORDER, AND THE ISSUANCE, DENIAL, MODIFICATION, OR REVOCATION OF A LICENSE, PERMIT, LEASE, VARIANCE, OR CERTIFICATE, OR THE APPROVAL OR DISAPPROVAL OF PLANS AND SPECIFICATIONS PURSUANT TO LAW OR REGULATION THEREUNDER.

ANY PERSON WHO WAS A PARTY TO A PROCEEDING BEFORE THE DIRECTOR MAY PARTICIPATE IN AN APPEAL TO THE ENVIRONMENTAL BOARD OF REVIEW FOR AN ORDER VACATING OR MODIFYING THE ACTION OF THE DIRECTOR OF ENVIRONMENTAL PROTECTION OR LOCAL BOARD OF HEALTH, OR ORDERING THE DIRECTOR OR BOARD OF HEALTH TO PERFORM AN ACT. THE ENVIRONMENTAL BOARD OF REVIEW HAS EXCLUSIVE ORIGINAL JURISDICTION OVER ANY MATTER WHICH MAY, UNDER THIS SECTION, BE BROUGHT BEFORE IT.

THE PERSON SO APPEALING TO THE BOARD SHALL BE KNOWN AS APPELLANT, AND THE DIRECTOR AND ANY PARTY TO A PROCEEDING SUBSTANTIALLY SUPPORTING THE FINDING FROM WHICH THE APPEAL IS TAKEN SHALL BE KNOWN AS APPELLEE, EXCEPT THAT WHEN AN APPEAL INVOLVES A LICENSE TO OPERATE A DISPOSAL SITE OR FACILITY, THE LOCAL BOARD OF HEALTH OR THE DIRECTOR OF ENVIRONMENTAL PROTECTION, AND ANY PARTY TO A PROCEEDING SUBSTANTIALLY SUPPORTING THE FINDING FROM WHICH THE APPEAL IS TAKEN, SHALL, AS APPROPRIATE, BE KNOWN AS THE APPELLEE. APPELLANT AND APPELLEE SHALL BE DEEMED TO BE PARTIES TO THE APPEAL.

THE APPEAL SHALL BE IN WRITING AND SHALL SET FORTH THE ACTION COMPLAINED OF AND THE GROUNDS UPON WHICH THE APPEAL IS BASED.

THE APPEAL SHALL BE FILED WITH THE BOARD WITHIN THIRTY DAYS AFTER NOTICE OF THE ACTION. NOTICE OF THE FILING OF THE APPEAL SHALL BE FILED WITH THE APPELLEE WITHIN THREE DAYS AFTER THE APPEAL IS FILED WITH THE BOARD.

WITHIN SEVEN DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL THE DIRECTOR OR LOCAL BOARD OF HEALTH SHALL PREPARE AND CERTIFY TO THE BOARD A RECORD

No person to whom a permit has been issued shall refuse entry to any authorized representative of the [board] DIRECTOR [~~with or without a court order,~~] or willfully hinder or thwart such representative in the exercise of any authority granted by this section.

Sec. 6111.06. (A) All proceedings of the [board] DIRECTOR OF ENVIRONMENTAL PROTECTION, or [its] HIS officers or agents, under sections 6111.01 to 6111.08 [~~inclusive,~~] and sections 6111.31 to 6111.38 [~~inclusive,~~] of the Revised Code, including the adoption, issuance, modification, rescission, or revocation of rules and regulations, permits, orders, and notices, and the conduct of hearings, EXCEPT STANDARDS OF WATER QUALITY ADOPTED PURSUANT TO SECTION 6111.041 OF THE REVISED CODE, shall be subject to and governed by sections 119.01 to 119.13, [~~inclusive,~~] AND CHAPTER 3745. of the Revised Code.

(B) The [board] DIRECTOR shall not refuse to issue a permit, nor modify or revoke a permit already issued, unless the applicant or permit holder has been afforded an opportunity for a hearing prior to the refusal to issue the permit or prior to the modification or revocation of the permit.

(C) Whenever the [board] DIRECTOR officially determines that an emergency exists requiring immediate action to protect the public health or welfare, [it] HE may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding division (A) of this section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but on application to the [board] DIRECTOR shall be afforded a hearing as soon as possible, and not later than twenty days after such application. On the basis of such hearing, the [board] DIRECTOR shall continue such order in effect, revoke it, or modify it. No such emergency order shall remain in effect for more than sixty days after its issuance.

Sec. 6111.07. (A) No person shall violate or fail to perform any duty imposed by [~~;~~] sections 6111.01 to 6111.08 [~~inclusive,~~] of the Revised Code, or violate any order of the [~~water pollution control board~~] DIRECTOR OF ENVIRONMENTAL PROTECTION promulgated pursuant to such sections. Each day such violation continues after a conviction for a violation of such sections or order of the [board] DIRECTOR and the final determination thereof is a separate offense; provided the court may grant a reasonable period of time for compliance.

Any person convicted of violating such sections may also be enjoined, as provided in division (B) of this section, from continuing such violation.

(B) The attorney general, upon the request of the [board] DIRECTOR OF ENVIRONMENTAL PROTECTION, shall prosecute any person who violates, or who fails to perform any duty imposed by, sections 6111.01 to 6111.08 [~~inclusive,~~] of the Revised

standards to be consistent with any applicable comprehensive plan for the development, use, and protection of water resources prepared and maintained by the director of natural resources under section 1501.20 of the Revised Code. If the commission does not certify proposed revisions to the board within sixty days of receipt of the proposed standards or amendments at its office, or within such period certifies that it has no revisions, the board may proceed to adopt the standards or amendments. If the commission certifies proposed revisions to the board within such period, the board shall, no sooner than thirty days nor later than sixty days after receipt of the certification, hold a hearing for the purpose of examining the reasons for the proposed revisions. The commission may waive the hearing requirement. After the hearing, or notification of waiver by the commission, the board may adopt the standards or amendments.

The provisions of this section supersede Chapter 119. of the Revised Code.

Standards of quality for the waters of the state, or any amendment or repeal thereof, become effective upon adoption by the [board] DIRECTOR. The [board] DIRECTOR shall give consideration to any standards so established in the issuance, revocation, modification, or denial of permits.

Sec. 6111.05. The [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION may [of its own motion] ON HIS OWN INITIATIVE investigate or make inquiries in any manner [determined by it as to] INTO any alleged act of pollution or failure to comply with sections 6111.01 to 6111.08 [; inclusive,] of the Revised Code, or any order or other determination [of the board] PURSUANT THERETO. However, upon WRITTEN complaint by [officials of any political subdivision or upon petition of twenty-five electors] ANY PERSON the [board] DIRECTOR shall conduct such investigations and make such inquiries as are required.

The [board] DIRECTOR or [its] HIS duly authorized representative may enter at reasonable times upon any private or public property to inspect and investigate conditions relating to pollution of any waters of the state, and upon refusal of the person owning or controlling such property to permit such entrance, the [board] DIRECTOR may apply to the court of common pleas having jurisdiction of such property for [an order] A WARRANT permitting such entrance and inspection.

Any authorized representative of the [board] DIRECTOR may examine any records or memorandums pertaining to the operation of disposal systems. The [board] DIRECTOR may require the maintenance of records relating to the operation of disposal systems. The [board] DIRECTOR may make copies of such records, but if such records pertain to a private disposal system, such copies may not be made available to the public without express permission of the owner. EXCEPT THAT INFORMATION ON THE AMOUNTS AND CONTENTS OF DISCHARGES SHALL BE MATTERS OF PUBLIC RECORD.

OF THE PROCEEDINGS OUT OF WHICH THE APPEAL ARISES, INCLUDING ALL DOCUMENTS AND CORRESPONDENCE, AND A TRANSCRIPT OF ALL TESTIMONY.

UPON THE FILING OF THE APPEAL, THE BOARD SHALL FIX THE TIME AND PLACE AT WHICH THE HEARING ON THE APPEAL WILL BE HELD. THE BOARD SHALL GIVE APPELLANT AND THE APPELLEE AT LEAST TEN DAYS' WRITTEN NOTICE THEREOF BY CERTIFIED MAIL. THE BOARD SHALL HOLD THE HEARING WITHIN THIRTY DAYS AFTER THE NOTICE OF APPEAL IS FILED. THE BOARD MAY POSTPONE OR CONTINUE ANY HEARING UPON ITS OWN MOTION OR UPON APPLICATION OF APPELLANT OR OF THE APPELLEE.

THE FILING OF AN APPEAL DOES NOT AUTOMATICALLY SUSPEND OR STAY EXECUTION OF THE ACTION APPEALED FROM. UPON APPLICATION BY THE APPELLANT THE BOARD MAY SUSPEND OR STAY SUCH EXECUTION PENDING IMMEDIATE DETERMINATION OF THE APPEAL WITHOUT INTERRUPTION BY CONTINUANCES, OTHER THAN FOR UNAVOIDABLE CIRCUMSTANCES.

Sec. 3745.05. IN HEARING THE APPEAL, IF AN ADJUDICATION HEARING WAS CONDUCTED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION IN ACCORDANCE WITH SECTIONS 119.09 AND 119.10 OF THE REVISED CODE, THE BOARD IS CONFINED TO THE RECORD AS CERTIFIED TO IT BY THE DIRECTOR. THE BOARD MAY GRANT A REQUEST FOR THE ADMISSION OF ADDITIONAL EVIDENCE WHEN SATISFIED THAT SUCH ADDITIONAL EVIDENCE IS NEWLY DISCOVERED AND COULD NOT WITH REASONABLE DILIGENCE HAVE BEEN ASCERTAINED PRIOR TO THE HEARING BEFORE THE DIRECTOR. IF NO ADJUDICATION HEARING WAS CONDUCTED IN ACCORDANCE WITH SECTIONS 119.09 AND 119.10 OF THE REVISED CODE, THE BOARD SHALL CONDUCT A HEARING DE NOVO ON THE APPEAL.

FOR THE PURPOSE OF CONDUCTING A DE NOVO HEARING, OR WHERE THE BOARD HAS GRANTED A REQUEST FOR THE ADMISSION OF ADDITIONAL EVIDENCE, THE ENVIRONMENTAL BOARD OF REVIEW MAY REQUIRE THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF WRITTEN OR PRINTED MATERIALS.

WHEN CONDUCTING A DE NOVO HEARING, OR WHEN A REQUEST FOR THE ADMISSION OF ADDITIONAL EVIDENCE HAS BEEN GRANTED, THE BOARD MAY, AND AT THE REQUEST OF ANY PARTY IT SHALL, ISSUE SUBPOENAS FOR WITNESSES OR FOR BOOKS, PAPERS, CORRESPONDENCE, MEMORANDA, AGREEMENTS, OR OTHER DOCUMENTS OR RECORDS RELEVANT OR MATERIAL TO THE INQUIRY DIRECTED TO THE SHERIFF OF THE COUNTIES WHERE THE WITNESSES OR DOCUMENTS OR

RECORDS ARE FOUND, WHICH SUBPOENAS SHALL BE SERVED AND RETURNED IN THE SAME MANNER AS THOSE ALLOWED BY THE COURT OF COMMON PLEAS IN CRIMINAL CASES.

THE FEES AND MILEAGE OF SHERIFFS AND WITNESSES SHALL BE THE SAME AS THOSE ALLOWED BY THE COURT OF COMMON PLEAS IN CRIMINAL CASES. THE FEE AND MILEAGE EXPENSES INCURRED AT THE REQUEST OF THE APPELLANT SHALL BE PAID IN ADVANCE BY THE APPELLANT, AND THE REMAINDER OF THE EXPENSES SHALL BE PAID OUT OF FUNDS APPROPRIATED FOR THE EXPENSES OF THE BOARD.

IN CASE OF DISOBEDIENCE OR NEGLECT OF ANY SUBPOENA SERVED ON ANY PERSON, OR THE REFUSAL OF ANY WITNESS TO TESTIFY TO ANY MATTER REGARDING WHICH HE MAY BE LAWFULLY INTERROGATED, THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE DISOBEDIENCE, NEGLECT, OR REFUSAL OCCURS, OR ANY JUDGE THEREOF, ON APPLICATION OF THE BOARD OR ANY MEMBER THEREOF, MAY COMPEL OBEDIENCE BY ATTACHMENT PROCEEDINGS FOR CONTEMPT AS IN THE CASE OF DISOBEDIENCE OF THE REQUIREMENTS OF A SUBPOENA ISSUED FROM THE COURT OR A REFUSAL TO TESTIFY THEREIN.

A WITNESS AT ANY HEARING SHALL TESTIFY UNDER OATH OR AFFIRMATION, WHICH ANY MEMBER OF THE BOARD MAY ADMINISTER. A WITNESS, IF HE REQUESTS, SHALL BE PERMITTED TO BE ACCOMPANIED, REPRESENTED, AND ADVISED BY AN ATTORNEY, WHOSE PARTICIPATION IN THE HEARING SHALL BE LIMITED TO THE PROTECTION OF THE RIGHTS OF THE WITNESS, AND WHO MAY NOT EXAMINE OR CROSS-EXAMINE WITNESSES. A WITNESS SHALL BE ADVISED OF HIS RIGHT TO COUNSEL BEFORE HE IS INTERROGATED.

A STENOGRAPHIC RECORD OF THE TESTIMONY AND OTHER EVIDENCE SUBMITTED SHALL BE TAKEN BY AN OFFICIAL COURT SHORTHAND REPORTER. THE RECORD SHALL INCLUDE ALL OF THE TESTIMONY AND OTHER EVIDENCE AND THE RULINGS ON THE ADMISSIBILITY THEREOF PRESENTED AT THE HEARING. THE BOARD SHALL PASS UPON THE ADMISSIBILITY OF EVIDENCE, BUT ANY PARTY MAY AT THE TIME OBJECT TO THE ADMISSION OF ANY EVIDENCE AND EXCEPT TO THE RULINGS OF THE BOARD THEREON, AND IF THE BOARD REFUSES TO ADMIT EVIDENCE THE PARTY OFFERING SAME MAY MAKE A PROFFER THEREOF, AND SUCH PROFFER SHALL BE MADE A PART OF THE RECORD OF SUCH HEARING.

IF, UPON COMPLETION OF THE HEARING, THE BOARD FINDS THAT THE ACTION APPEALED FROM WAS LAWFUL AND REASONABLE, IT SHALL MAKE A WRITTEN ORDER

after September 27, 1952, without first obtaining a permit therefor issued by the [board] DIRECTOR, pursuant to rules and regulations to be prescribed by [it] HIM.

The [board] DIRECTOR may require the submission of such plans, specifications, and other information as [it] HE deems relevant in connection with the issuance of permits.

This section does not apply to:

(A) Waters used in washing sand, gravel, other aggregates, or mineral products, when such washing and the ultimate disposal of the water used in such washing is entirely confined to the land under the control of the person engaged in the recovery and processing of such sand, gravel, other aggregates, or mineral products;

(B) The discharge of hydrated or dehydrated lime into the waters of the state in such quantities as are, in the opinion of the board, beneficial to such waters;

(C) The excrementitious discharge of domestic and farm animals, however this division does not permit the disposal into the waters of the state of excrementitious discharge and incident wastes resulting from the operation of facilities used in the mass commercial production of such animals when it results in the pollution of waters of the state;

(D) The discharge of sewage, industrial waste, or other wastes into a sewerage system maintained by the state or a political subdivision.

Sec. 6111.041. In furtherance of sections 6111.01 to 6111.08 [; inclusive,] of the Revised Code, the [water pollution control board] DIRECTOR OF ENVIRONMENTAL PROTECTION shall adopt standards of water quality to be applicable to the waters of the state, AND MAY ADOPT EFFLUENT STANDARDS FOR DISCHARGES INTO SUCH WATERS. THE EFFLUENT STANDARDS SHALL BE DESIGNED TO ACHIEVE AND MAINTAIN THE WATER QUALITY STANDARDS APPLICABLE TO THE WATERS OF THE STATE. Such standards shall be adopted pursuant to a schedule established, and from time to time amended, by the [board] DIRECTOR, to apply to the various waters of the state according to criteria for the protection of the public health and welfare, the present and planned use of such waters for public water supplies, industrial and agricultural needs, propagation of fish, aquatic life, and wildlife, and recreational purposes. Such standards may be amended from time to time as determined by the [board] DIRECTOR. Prior to establishing, amending, or repealing standards of water quality the [board] DIRECTOR shall, after due notice, conduct public hearings thereon. Notice of hearings shall specify the waters to which the standards relate, and the time, date, and place of hearing.

The board shall forward all proposed standards or amendments thereof to the Ohio water commission, which shall certify to the board any revisions which it considers necessary or desirable in order for the

WATER QUALITY STANDARDS. NO APPLICATION SHALL BE DENIED OR PERMIT REVOKED OR MODIFIED WITHOUT A WRITTEN ORDER STATING THE FINDINGS UPON WHICH DENIAL, REVOCATION, OR MODIFICATION IS BASED. A COPY OF THE ORDER SHALL BE SENT TO THE APPLICANT OR PERMIT HOLDER BY CERTIFIED MAIL.

(K) ADOPT, MODIFY, AND REPEAL REGULATIONS, IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE, PRESCRIBING A SCHEDULE OF APPLICATION AND RENEWAL FEES TO BE PAID BY APPLICANTS FOR AND HOLDERS OF PERMITS UNDER DIVISION (J) OF THIS SECTION. SUCH SCHEDULE OF FEES SHALL BE DESIGNED SOLELY TO DEFRAY THE COSTS OF PROCESSING, ISSUING, REVOKING, MODIFYING, AND DENYING PERMITS.

(L) To institute or cause to be instituted in any court of competent jurisdiction, proceedings to compel compliance with sections 6111.01 to 6111.08 [~~;~~ inclusive~~;~~] of the Revised Code, or with the orders of the [~~board~~] DIRECTOR issued under such sections;

~~[(L)]~~ (M) To issue, deny, revoke, or modify industrial water pollution control certificates;

~~[(M)]~~ (N) To certify to the government of the United States or any agency thereof that an industrial water pollution facility is in conformity with the state program or requirements for control of water pollution whenever such certification may be required for a taxpayer under the Internal Revenue Code of the United States, as amended.

~~[(N)]~~ (O) To exercise all incidental powers necessary to carry out the purposes of sections 6111.01 to 6111.08 [~~;~~ inclusive~~;~~] and sections 6111.31 to 6111.38 ~~;~~ inclusive~~;~~] of the Revised Code.

Sec. 6111.04. No person shall cause pollution as defined in division (A) of section 6111.01 of the Revised Code of any waters of the state, or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. Any such action is hereby declared to be a public nuisance, except in such cases where the [~~water pollution control board~~] DIRECTOR OF ENVIRONMENTAL PROTECTION has issued a valid and unexpired permit, or renewal thereof, as provided in sections 6111.01 to 6111.08 [~~;~~ inclusive~~;~~] of the Revised Code, OR AN APPLICATION FOR RENEWAL IS PENDING.

No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, industrial waste, or other wastes in excess of the permissive discharges specified under such existing permit without first receiving a permit from the [~~board~~] DIRECTOR to do so.

No person who is discharging or causing the discharge of any sewage, industrial waste, or other wastes into the waters of the state shall continue or cause the continuance of such discharge

AFFIRMING THE ACTION, IF THE BOARD FINDS THAT THE ACTION WAS UNREASONABLE OR UNLAWFUL, IT SHALL MAKE A WRITTEN ORDER VACATING OR MODIFYING THE ACTION APPEALED FROM. EVERY ORDER MADE BY THE BOARD SHALL CONTAIN A WRITTEN FINDING BY THE BOARD OF THE FACTS UPON WHICH THE ORDER IS BASED. NOTICE OF THE MAKING OF THE ORDER SHALL BE GIVEN FORTHWITH TO EACH PARTY TO THE APPEAL BY MAILING A CERTIFIED COPY THEREOF TO EACH PARTY BY CERTIFIED MAIL, WITH A STATEMENT OF THE TIME AND METHOD BY WHICH AN APPEAL MAY BE PERFECTED.

THE ORDER OF THE BOARD IS FINAL UNLESS VACATED OR MODIFIED UPON JUDICIAL REVIEW.

Sec. 3745.06. ANY PARTY ADVERSELY AFFECTED BY AN ORDER OF THE ENVIRONMENTAL BOARD OF REVIEW MAY APPEAL TO THE COURT OF APPEALS OF FRANKLIN COUNTY, OR, IF THE APPEAL ARISES FROM AN ALLEGED VIOLATION OF A LAW OR REGULATION, TO THE COURT OF APPEALS OF THE DISTRICT IN WHICH THE VIOLATION WAS ALLEGED TO HAVE OCCURRED. ANY PARTY DESIRING TO SO APPEAL SHALL FILE WITH THE BOARD A NOTICE OF APPEAL DESIGNATING THE ORDER APPEALED FROM. A COPY OF SUCH NOTICE SHALL ALSO BE FILED BY THE APPELLANT WITH THE COURT, AND A COPY SHALL BE SENT BY CERTIFIED MAIL TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION. SUCH NOTICES SHALL BE FILED AND MAILED WITHIN THIRTY DAYS AFTER THE DATE UPON WHICH APPELLANT RECEIVED NOTICE FROM THE BOARD BY CERTIFIED MAIL OF THE MAKING OF THE ORDER APPEALED FROM. NO APPEAL BOND SHALL BE REQUIRED TO MAKE AN APPEAL EFFECTIVE.

THE FILING OF A NOTICE OF APPEAL SHALL NOT AUTOMATICALLY OPERATE AS A SUSPENSION OF THE ORDER OF THE BOARD. IF IT APPEARS TO THE COURT THAT AN UNJUST HARDSHIP TO THE APPELLANT WILL RESULT FROM THE EXECUTION OF THE BOARD'S ORDER PENDING DETERMINATION OF THE APPEAL, THE COURT MAY GRANT A SUSPENSION OF THE ORDER AND FIX ITS TERMS.

WITHIN TWENTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL, THE BOARD SHALL PREPARE AND FILE IN THE COURT THE COMPLETE RECORD OF PROCEEDINGS OUT OF WHICH THE APPEAL ARISES, INCLUDING ANY TRANSCRIPT OF THE TESTIMONY AND ANY OTHER EVIDENCE WHICH HAS BEEN SUBMITTED BEFORE THE BOARD. THE EXPENSE OF PREPARING AND TRANSCRIBING THE RECORD SHALL BE TAXED AS A PART OF THE COSTS OF THE APPEAL. THE APPELLANT, OTHER THAN THE STATE OR A POLITICAL SUBDIVISION, OR AN AGENCY OF EITHER, OR ANY OFFICER THEREOF ACTING IN HIS REP-

REPRESENTATIVE CAPACITY, SHALL PROVIDE SECURITY FOR COSTS SATISFACTORY TO THE COURT. UPON DEMAND BY A PARTY THE BOARD SHALL FURNISH AT THE COST OF THE PARTY REQUESTING THE SAME A COPY OF SUCH RECORD. IN THE EVENT THE COMPLETE RECORD IS NOT FILED WITHIN THE TIME PROVIDED FOR IN THIS SECTION, ANY PARTY MAY APPLY TO THE COURT TO HAVE THE CASE DOCKETED, AND THE COURT SHALL ORDER SUCH RECORD FILED.

IN HEARING THE APPEAL, THE COURT IS CONFINED TO THE RECORD AS CERTIFIED TO IT BY THE BOARD. THE COURT MAY GRANT A REQUEST FOR THE ADMISSION OF ADDITIONAL EVIDENCE WHEN SATISFIED THAT SUCH ADDITIONAL EVIDENCE IS NEWLY DISCOVERED AND COULD NOT WITH REASONABLE DILIGENCE HAVE BEEN ASCERTAINED PRIOR TO THE HEARING BEFORE THE BOARD.

THE COURT SHALL CONDUCT A HEARING ON THE APPEAL AND SHALL GIVE PREFERENCE TO ALL PROCEEDINGS UNDER THIS SECTION OVER ALL OTHER CIVIL CASES, IRRESPECTIVE OF THE POSITION OF THE PROCEEDINGS ON THE CALENDAR OF THE COURT. THE HEARING IN THE COURT OF APPEALS SHALL PROCEED AS IN THE CASE OF A CIVIL ACTION, AND THE COURT SHALL DETERMINE THE RIGHTS OF THE PARTIES IN ACCORDANCE WITH THE LAWS APPLICABLE TO SUCH ACTION. AT THE HEARING, COUNSEL MAY BE HEARD ON ORAL ARGUMENT, BRIEFS MAY BE SUBMITTED, AND EVIDENCE INTRODUCED IF THE COURT HAS GRANTED A REQUEST FOR THE PRESENTATION OF ADDITIONAL EVIDENCE.

THE COURT SHALL AFFIRM THE ORDER COMPLAINED OF IN THE APPEAL IF IT FINDS, UPON CONSIDERATION OF THE ENTIRE RECORD AND SUCH ADDITIONAL EVIDENCE AS THE COURT HAS ADMITTED, THAT THE ORDER IS SUPPORTED BY RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE AND IS IN ACCORDANCE WITH LAW. IN THE ABSENCE OF SUCH A FINDING, IT SHALL REVERSE, VACATE, OR MODIFY THE ORDER OR MAKE SUCH OTHER RULING AS IS SUPPORTED BY RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE AND IS IN ACCORDANCE WITH LAW. WHEN THE COURT FINDS AN AMBIENT AIR QUALITY STANDARD, AN EMISSION STANDARD, OR A WATER QUALITY OR DISCHARGE STANDARD TO BE DEFICIENT, IT SHALL ORDER THE DIRECTOR OF ENVIRONMENTAL PROTECTION TO MODIFY THE STANDARD TO COMPLY WITH THE LAWS GOVERNING AIR OR WATER POLLUTION. THE COURT SHALL RETAIN JURISDICTION UNTIL IT APPROVES THE MODIFIED STANDARD. THE JUDGMENT OF THE COURT SHALL BE FINAL AND CONCLUSIVE UNLESS REVERSED, VACATED, OR MODIFIED ON APPEAL. SUCH APPEALS MAY BE TAKEN BY ANY PARTY TO THE APPEAL AND SHALL

certificates under sections 6111.01 to 6111.08 [~~;~~ inclusive] and sections 6111.31 to 6111.38 [~~;~~ inclusive] of the Revised Code;

(J) To issue, revoke, modify, or deny permits for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation, modification, or operation of disposal systems or any parts thereof AND SET TERMS AND CONDITIONS OF PERMITS, IN ORDER TO PREVENT, CONTROL, OR ABATE WATER POLLUTION. In issuing, revoking, modifying, or denying permits the [~~board~~] DIRECTOR shall give consideration to, and base [~~its~~] HIS determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from such wastes and to evidence relating to conditions calculated to result from such action, and their relation to benefits to the people of the state and to accomplishment of the purposes of sections 6111.01 to 6111.08 [~~;~~ inclusive] of the Revised Code.

The [~~board~~] DIRECTOR [~~may~~] SHALL specify in permits for the discharge of sewage, industrial waste, and other waste, the volume, DURATION, FREQUENCY, and strength of such sewage, industrial waste, and other wastes which may be discharged. The [~~board~~] DIRECTOR shall specify in such permits that the permit is conditioned upon the right of HIS authorized representatives [~~of the board~~] to enter upon the premises of the person to whom the permit has been issued for the purpose of determining compliance with sections 6111.01 to 6111.08 [~~;~~ inclusive] of the Revised Code, rules and regulations adopted thereunder, or the terms of a permit, order, or other determination [~~of the board~~]. THE DIRECTOR SHALL ISSUE OR DENY AN APPLICATION FOR A PERMIT FOR A NEW DISCHARGE, OR FOR THE INSTALLATION OR MODIFICATION OF A DISPOSAL SYSTEM, WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE ON WHICH HE RECEIVES A COMPLETE APPLICATION WITH ALL PLANS, SPECIFICATIONS, CONSTRUCTION SCHEDULES, AND OTHER PERTINENT INFORMATION REQUIRED BY THE DIRECTOR. Applications for RENEWALS OF permits shall be acted upon by the [~~board~~] DIRECTOR within sixty days. THE DIRECTOR MAY CONDITION SUCH PERMITS UPON THE INSTALLATION OF DISCHARGE OR WATER QUALITY MONITORING EQUIPMENT OR DEVICES AND THE FILING OF SUCH PERIODIC REPORTS ON THE AMOUNTS AND CONTENTS OF DISCHARGES AND THE QUALITY OF RECEIVING WATERS AS THE DIRECTOR PRESCRIBES. IN REQUIRING MONITORING DEVICES AND REPORTS THE DIRECTOR SHALL GIVE CONSIDERATION TO TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS, AND ALLOW REASONABLE TIME FOR COMPLIANCE. A PERMIT MAY BE ISSUED FOR A PERIOD NOT TO EXCEED THREE YEARS, AND MAY BE RENEWED UPON APPLICATION FOR RENEWAL, AND UPON A FINDING BY THE DIRECTOR THAT THE PERMIT HOLDER IS MAKING SATISFACTORY PROGRESS TOWARD THE ACHIEVEMENT OF APPLICABLE DISCHARGE AND

(B) To advise, consult, and co-operate with other agencies of the state, the federal government, other states, and interstate agencies, and with affected groups, political subdivisions, and industries in furtherance of the purposes of sections 6111.01 to 6111.08 [~~;~~ inclusive,] and sections 6111.31 to 6111.38 [~~;~~ inclusive,] of the Revised Code;

(C) To administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury, and kept by the treasurer of state in a separate fund subject to the lawful orders of the [~~board~~] DIRECTOR;

(D) To administer state grants for the construction of sewage and waste collection and treatment works;

(E) To encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, as is advisable and necessary for the discharge of its duties under sections 6111.01 to 6111.08 [~~;~~ inclusive,] of the Revised Code;

(F) To collect and disseminate information relating to water pollution and the prevention, control, and abatement thereof;

(G) To adopt, modify, AND repeal [~~;~~ and promulgate rules and] regulations governing the procedure [~~of the board with respect to~~] FOR hearings, filing of reports, the issuance of permits, the issuance of industrial water pollution control certificates, and all other matters relating to procedure;

(H) To issue, modify, or revoke orders TO PREVENT, CONTROL, OR ABATE WATER POLLUTION, subject to section 6111.04 of the Revised Code, (1) prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state; (2) requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof [~~;~~ to prevent, control, or abate pollution]; (3) prohibiting additional connections to or extensions of a sewerage system when such connections or extensions would result in an increase in the polluting properties of the effluent from such system when discharged into any waters of the state. In the making of such orders the [~~board~~] DIRECTOR shall give consideration to, and base [~~its~~] HIS determination on, evidence relating to the technical feasibility and economic reasonableness of complying with such orders and to evidence relating to conditions calculated to result from compliance with such orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of sections 6111.01 to 6111.08 [~~;~~ inclusive,] and sections 6111.31 to 6111.38 [~~;~~ inclusive,] of the Revised Code;

(I) To review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control

PROCEED AS IN THE CASE OF APPEALS IN CIVIL ACTIONS AS PROVIDED IN CHAPTER 2505. OF THE REVISED CODE.

Sec. 3745.07. THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL MAINTAIN A CURRENT MAILING LIST OF PERSONS WHO, ANUALLY, SUBSCRIBE FOR NOTIFICATION OF ALL APPLICATIONS FOR ISSUANCE OR RENEWAL OF PERMITS, LICENSES, AND VARIANCES, COMPLAINTS FILED, AND ALL PUBLIC HEARINGS TO BE CONDUCTED PURSUANT TO CHAPTERS 3704., 3734., AND 6111. OF THE REVISED CODE, TOGETHER WITH PAYMENT OF AN ANNUAL SUBSCRIPTION FEE. THE DIRECTOR SHALL MAIL NOTICE BY FIRST CLASS MAIL OF THE APPLICATION FOR ISSUANCE OR RENEWAL OF A PERMIT, LICENSE, OR VARIANCE WITHIN ONE WEEK AFTER RECEIPT THEREOF, OF A COMPLAINT WITHIN ONE WEEK AFTER FILING, AND OF A PUBLIC HEARING AT LEAST TWO WEEKS BEFORE THE HEARING. FAILURE TO MAIL NOTICE TO ANY PERSON SUBSCRIBING TO THE MAILING LIST SHALL NOT INVALIDATE ANY PROCEEDING OR ACTION OF THE DIRECTOR.

IF THE DIRECTOR RECEIVES A WRITTEN OBJECTION, WITHIN TWO WEEKS OF THE DATE OF MAILING NOTICE TO SUBSCRIBERS, FROM AN OFFICER OF AN AGENCY OF THE STATE OR OF A POLITICAL SUBDIVISION, ACTING IN HIS REPRESENTATIVE CAPACITY, OR ANY PERSON WHO WOULD BE AGGRIEVED OR ADVERSELY AFFECTED BY THE ISSUANCE OR RENEWAL OF A PERMIT, LICENSE, OR VARIANCE, HE SHALL CONDUCT AN ADJUDICATION HEARING ON THE APPLICATION IN ACCORDANCE WITH SECTIONS 119.09 AND 119.10 OF THE REVISED CODE. THE DIRECTOR SHALL GIVE NOTICE OF THE HEARING TO ALL PERSONS SUBMITTING OBJECTIONS, BY CERTIFIED MAIL AT LEAST TWO WEEKS BEFORE THE HEARING. UPON REQUEST BY THE APPLICANT, THE DIRECTOR SHALL SCHEDULE AN ADJUDICATION HEARING ON THE APPLICATION, IN ACCORDANCE WITH SECTIONS 119.09 AND 119.10 OF THE REVISED CODE, AND SHALL SEND NOTICE OF THE HEARING BY FIRST CLASS MAIL TO ALL SUBSCRIBERS.

THE DIRECTOR SHALL CAUSE NOTICE OF EACH APPLICATION FOR ISSUANCE OR RENEWAL OF A PERMIT, LICENSE, OR VARIANCE, EACH COMPLAINT FILED, AND OF EACH ADJUDICATION HEARING, TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE PERMIT, LICENSE, OR VARIANCE IS SOUGHT OR VIOLATION IS ALLEGED, WITHIN TEN DAYS AFTER THE DATE OF RECEIPT OF AN APPLICATION OR COMPLAINT, AND AT LEAST TWO WEEKS PRIOR TO A HEARING.

THE DIRECTOR SHALL SET THE ANNUAL SUBSCRIPTION FEE, WHICH SHALL BE UNIFORM, AND SHALL BE SUFFICIENT TO COVER THE EXPENSES OF NOTIFICATION BY MAIL AND BY PUBLICATION. ALL FEES COLLECTED

UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL REVENUE FUND.

Sec. 3745.08. AN OFFICER OF AN AGENCY OF THE STATE OR OF A POLITICAL SUBDIVISION, ACTING IN HIS REPRESENTATIVE CAPACITY, OR ANY PERSON AGGRIEVED OR ADVERSELY AFFECTED BY AN ALLEGED VIOLATION MAY FILE A VERIFIED COMPLAINT, IN WRITING, WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION ALLEGING THAT ANOTHER PERSON IS VIOLATING OR THREATENS TO VIOLATE ANY LAW, RULE, OR STANDARD, ANY ORDER RELATING TO AIR POLLUTION, WATER POLLUTION, OR SOLID WASTE DISPOSAL, OR, IF THE PERSON IS IN POSSESSION OF A VALID LICENSE, PERMIT, OR VARIANCE RELATING TO AIR POLLUTION, WATER POLLUTION, OR SOLID WASTE DISPOSAL, THAT THE PERSON IS VIOLATING OR THREATENS TO VIOLATE THE CONDITIONS OF SUCH LICENSE, PERMIT, OR VARIANCE. UPON RECEIPT OF THE COMPLAINT, THE DIRECTOR SHALL CAUSE A PROMPT, THOROUGH INVESTIGATION TO BE CONDUCTED. IF, UPON COMPLETION OF THE INVESTIGATION, THERE IS NOT PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS OCCURRED OR WILL OCCUR, THE DIRECTOR SHALL, BY ORDER, DISMISS THE COMPLAINT. IF THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS OCCURRED, OR WILL OCCUR, THE DIRECTOR SHALL EITHER CAUSE A COPY OF THE COMPLAINT TO BE SERVED UPON THE ALLEGED VIOLATOR, CONDUCT A HEARING, AND ENTER SUCH ORDER AS MAY BE NECESSARY, OR HE SHALL REQUEST THAT THE ATTORNEY GENERAL COMMENCE APPROPRIATE LEGAL PROCEEDINGS. TWENTY DAYS PRIOR TO ANY HEARING, THE DIRECTOR SHALL CAUSE PUBLICATION OF SAID HEARING IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE COUNTY WHEREIN THE VIOLATION IS ALLEGED TO HAVE OCCURRED OR TO HAVE BEEN THREATENED TO OCCUR, AND SHALL ALSO MAIL NOTICE TO ALL PERSONS SUBSCRIBING FOR NOTIFICATION UNDER SECTION 3745.07 OF THE REVISED CODE. AT ANY TIME PRIOR TO THE HEARING ANY PERSON AGGRIEVED OR ADVERSELY AFFECTED BY THE VIOLATION OR THREATENED VIOLATION COMPLAINED OF, MAY INTERVENE AS A PARTY TO THE HEARING BY FILING A COMPLAINT. IF MORE THAN ONE COMPLAINT HAS BEEN FILED WITH RESPECT TO A SINGLE ALLEGED VIOLATION, ALL COMPLAINTS SHALL BE CONSOLIDATED AND ALL COMPLAINANTS SHALL BE JOINED AS PARTIES TO THE HEARING. NOT MORE THAN ONE HEARING SHALL BE HELD BY THE DIRECTOR WITH RESPECT TO EACH ALLEGED VIOLATION.

Sec. 3745.09. UPON INVESTIGATION OF ANY COMPLAINT FILED UNDER SECTION 3704.06, 3734.10, 3745.08, OR 6111.12

of promoting the beneficial use of water within the district which plan shall be submitted to the [~~water pollution control board, the Ohio department of health, and the Ohio water commission~~] ENVIRONMENTAL PROTECTION AGENCY;

(E) Counsel with public agencies or private interests seeking advice and assistance relative to the beneficial use of water within the district;

(F) Assist governmental agencies and private interests in the planning and development of water resources within the district;

(G) Have access to all information, statistics, plans, and data relative to the water resources of the district which any governmental agency has available;

(H) Make contracts with any person or agency for the purpose of carrying out sections 6105.01 to 6105.21[, inclusive,] of the Revised Code;

(I) Designate specific reaches in the channel of any watercourse, within the territorial boundaries of the district, as a restricted channel and any specific area appurtenant to a restricted channel as a restricted floodway under section 6105.131 of the Revised Code;

(J) Issue permits authorizing the construction, change, or alteration of a structure or obstruction in a restricted channel or relocation, alteration, restriction, deposit, or encroachment into or change of grade of a restricted channel or floodway under section 6105.133 of the Revised Code;

(K) Petition for the creation of a conservancy district or conservancy subdistrict under section 6101.05 or 6101.71 of the Revised Code.

Sec. 6105.14. Annually the board of directors of a watershed district shall prepare and publish a report of its proceedings during the preceding calendar year. Such report shall contain a summary of the hearings held by the board, the recommendations of the board resulting from such hearings, and any suggestions or recommendations which the board may deem pertinent to the orderly development and beneficial use of the water resources of the district.

A copy of such report shall be filed with [~~the Ohio water commission~~] the board of county commissioners of each watershed county, THE ENVIRONMENTAL PROTECTION AGENCY, and with the legislative authority of each municipal corporation containing territory within the territorial boundaries of the district.

Sec. 6111.03. The [~~water pollution control board~~] DIRECTOR OF ENVIRONMENTAL PROTECTION shall have power:

(A) To develop PLANS AND programs for the prevention, control, and abatement of new or existing pollution of the waters of the state, including, but not limited to, adopting, amending, and repealing standards of quality for the waters of the state;

corporation owning, constructing, or agreeing to construct the water supply improvement to be jointly used of the amount agreed upon as the other party's share of the cost of such water supply improvement. The contract shall also provide for payment to the county or municipal corporation owning or constructing and maintaining the same of the amount agreed upon for the other party's share of the cost of operating and maintaining such water supply improvement, including the cost of water, or in lieu of all other payments an agreed price per unit for water furnished. Any such county or municipal corporation owning, constructing, or agreeing to construct any such water supply improvement and permitting the use thereof by such other county or municipal corporation shall retain full control and management of the construction, maintenance, repair, and operation of the same, except when conveyed to a municipal corporation as provided in this section. Any such contract, before going into effect, shall be approved by the ~~[department of health]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION. Any completed water supply or water-works system, as defined in sections 6103.01 and 6103.02 of the Revised Code, for the use of any sewer district, constructed under sections 6103.02 to 6103.30 ~~[; inclusive,]~~ of the Revised Code, and any part thereof, located within any municipal corporation or within any area which may be incorporated as a municipal corporation or annexed to an existing municipal corporation, or which provides water for such area, may by mutual agreement between the board of county commissioners and such municipal corporation be conveyed to such municipal corporation, which shall thereafter maintain and operate such water supply and water-works. The board may retain the right to joint use of such water supply and water-works for the benefit of the district. The validity of any assessment which has been levied or may thereafter be levied to provide means for the payment of the cost of such construction or maintenance of such water supply or water-works or any part thereof shall not be affected by such conveyance.

Sec. 6105.12. The board of directors of a watershed district, for the purpose of assisting to obtain the orderly development and the most beneficial use of the water resources within the territorial boundaries of the district, may:

(A) Review and recommend plans for the development of the water resources within the territorial boundaries of the district;

(B) Recommend appropriate means to resolve water conflicts among water user interests and between geographic areas within the territorial boundaries of the district;

(C) Make studies and review plans relative to the development of water resources of the district, hold hearings thereon, and make such recommendations as are consistent with the beneficial use of water within the district;

(D) Prepare a comprehensive plan for the development and control of the water resources within the district for the purpose

OF THE REVISED CODE, IF THE DIRECTOR OF ENVIRONMENTAL PROTECTION FINDS THAT THE VIOLATION IS CAUSED BY OR CONTRIBUTED TO FROM AIR OR WATER POLLUTION SOURCES OUTSIDE OHIO, HE SHALL IMMEDIATELY NOTIFY THE RESPONSIBLE OFFICIALS OF THE STATE IN WHICH THE SOURCE LIES, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND THE ATTORNEY GENERAL OF OHIO, IN AN EFFORT TO SECURE PROMPT COMPLIANCE WITH ALL LAWS, REGULATIONS, AND STANDARDS FOR THE PREVENTION, ABATEMENT, AND CONTROL OF AIR AND WATER POLLUTION AND DISPOSAL OF SOLID WASTES.

Sec. 3767.33. No zoning commission, municipal corporation, or other governmental authority, except the ~~[water pollution control board]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION acting pursuant to the powers granted to ~~[it]~~ HIM in sections 6111.01 to 6111.08 ~~[; inclusive]~~ of the Revised Code, may authorize the placing or disposal of materials in or upon the banks of a ditch, stream, river, or other watercourse after January 1, 1968, where such placing or disposal would be prohibited under the provisions of section 3767.32 of the Revised Code. Such placing or disposal may be enjoined by the common pleas court in the county in which the placing or disposal occurs, upon application by the prosecuting attorney of the county, the ~~[water pollution control board]~~ DIRECTOR OF ENVIRONMENTAL PROTECTION, the director of health, or the attorney general.

Sec. 4903.20. All actions and proceedings in the supreme court under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., and 4925. of the Revised Code, and all actions or proceedings to which the public utilities commission, POWER SITING COMMISSION, or this state is a party, and in which any question arises under such chapters, or under or concerning any order or decision of ~~[the]~~ EITHER commission, to reverse, vacate, or modify an order of the commission, shall be taken up and disposed of by the court out of their order on the docket.

Sec. 4903.22. Except when otherwise provided by law, all processes in actions and proceedings in a court arising under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., and 4925. of the Revised Code shall be served, and the practice and rules of evidence in such actions and proceedings shall be the same, as in civil actions. A sheriff or other officer empowered to execute civil processes shall execute process issued under such chapters and receive compensation therefor as prescribed by law for like services.

Sec. 4903.23. The public utilities commission AND POWER SITING COMMISSION shall charge and collect, for furnishing any copy of any paper, record, testimony, or writing made, taken, or filed under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., and 4925. of the Revised Code, except such transcript and

other papers as are required to be filed in any court proceedings authorized in such chapters, whether under seal and certified to or otherwise, the same fees charged by the secretary of state. Such fees, itemized, shall be paid into the state treasury on the first day of each month. Upon application of any person and payment of the proper fee, the commission shall furnish certified copies under the seal of the commission of any order made by it, which order is prima-facie evidence in any court of the facts stated in such copies. The copies of schedules, classifications, and tariffs of rates, tolls, prices, rentals, regulations, practices, services, fares, and charges, and copies of all contracts, agreements and arrangements between public utilities and railroads, or either, filed with the PUBLIC UTILITIES commission, and the statistics, tables, and figures contained in the annual or other reports of such companies made to the PUBLIC UTILITIES commission as required by such chapters, shall be preserved as public records in the custody of the commission and shall be received as prima-facie evidence of what they purport to be, for the purpose of investigations and prosecutions by the commission and in all judicial proceedings. Copies of and extracts from any of such schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records, certified by the PUBLIC UTILITIES commission under its seal, shall be received in evidence with like effect as the originals. Copies of any order made by the PUBLIC UTILITIES OR POWER SITING commission, certified under the seal of such commission, shall be furnished to any person upon application.

Sec. 4906.01. AS USED IN CHAPTER 4906. OF THE REVISED CODE:

(A) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ASSOCIATION, ESTATE, TRUST, OR PARTNERSHIP OR ANY OFFICER, BOARD, COMMISSION, DEPARTMENT, DIVISION, OR BUREAU OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, OR ANY OTHER ENTITY.

(B) "MAJOR UTILITY FACILITY" MEANS:

(1) ELECTRIC GENERATING PLANT AND ASSOCIATED FACILITIES DESIGNED FOR, OR CAPABLE OF, OPERATION AT A CAPACITY OF FIFTY MEGAWATTS OR MORE;

(2) AN ELECTRIC TRANSMISSION LINE AND ASSOCIATED FACILITIES OF A DESIGN CAPACITY OF ONE HUNDRED TWENTY-FIVE KILOVOLTS OR MORE;

(3) A GAS OR NATURAL GAS TRANSMISSION LINE AND ASSOCIATED FACILITIES DESIGNED FOR, OR CAPABLE OF, TRANSPORTING GAS OR NATURAL GAS AT PRESSURES IN EXCESS OF ONE HUNDRED TWENTY-FIVE POUNDS PER SQUARE INCH.

"MAJOR UTILITY FACILITY" DOES NOT INCLUDE ELECTRIC, GAS, NATURAL GAS DISTRIBUTING LINES AND GAS OR NATURAL GAS GATHERING LINES AND ASSOCIATED

subject to all requirements of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION.

At any time after a district is established comprising or including a part or all of the territory within any municipal corporation, the legislative authority of such municipal corporation may by ordinance or resolution authorize the board to proceed with the construction or the maintenance, repair, and operation of any water improvement for local service within such municipal corporation. After such authority has been granted, the board may proceed with the construction or the maintenance, repair, and operation of said improvement in the same manner as provided by law for improvements in districts wholly outside of municipal corporations, under the same restrictions as provided in this section for main works.

Sec. 6103.17. Whenever the legislative authority or board of health, or the officers performing the duties of a legislative authority or board of health of a municipal corporation, the board of health of a general health district, or a board of township trustees makes complaint, in writing, to the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION that unsafe water supply conditions exist in any county, the director [of health] shall forthwith inquire into and investigate the conditions complained of. If upon investigation of such complaint the [department] DIRECTOR finds that it is necessary for the public health and welfare that any improvement mentioned in sections 6103.01 and 6103.02 of the Revised Code be constructed, maintained, and operated for the service of any territory outside of municipal corporations in any county, [said department] THE DIRECTOR shall notify the board of county commissioners of such county of [its] HIS finding [and shall proceed as provided in sections 6111.10 and 6111.11 of the Revised Code]. The board shall obey such order and proceed, as provided in sections 6117.01, 6117.02, and 6103.02 to 6103.30 [; inclusive,] of the Revised Code, to establish a sewer district, provide necessary funds, and construct such public water supplies, or maintain, repair, or operate the same, as are required by such order and in such manner as is satisfactory to the [department] DIRECTOR. Any part of the cost of such improvement or maintenance may be assessed upon the property benefited as provided in such sections.

Sec. 6103.19. If the board of county commissioners fails, after a period of thirty days, after the notice and order given it by the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION to perform any act required of it by sections 6103.02 to 6103.30 [; inclusive,] of the Revised Code, and by any such order and notice of the [department] DIRECTOR, such order of the [department] DIRECTOR may be enforced by a writ of mandamus issued by any court authorized to issue such writ.

Sec. 6103.22. All contracts under section 6103.21 of the Revised Code shall provide for payment to the county or municipal

such charge has been paid in full. All money collected as rents, tap in charges or for water-works purposes in any district shall be paid to the county treasurer and kept in a separate and distinct fund to the credit of such district. Except as otherwise provided in any resolution authorizing or providing for the security and payment of any bonds outstanding on [the effective date of this act] JULY 1, 1958 or thereafter issued, or in any indenture or trust agreement securing such bonds, such fund shall be applied first to the conduct, management, and operation of such water supply or water-works system, second to the payment of interest or principal of any loan, indebtedness or liability incurred in connection therewith, or for the creation of a sinking fund for the liquidation of any debt created in connection therewith, and any surplus thereafter remaining may be applied to the enlargement, replacement or extension of such water supply or water-works system: but in no case shall money so collected be expended otherwise than for the use and benefit of such district. No provision of this section shall limit or restrict the power and discretion of the board to determine how much of the cost of such improvements shall be borne by the county at large and how much shall be specially assessed upon benefited properties, nor the power to issue notes and bonds for the share to be borne by the county and in anticipation of the levy or collection of special assessments for the share to be specially assessed, nor the power of the board to levy special assessments upon benefited properties for operation and maintenance whenever the rents and other funds available are not sufficient to pay all the cost thereof.

Sec. 6103.03. The authority of the board of county commissioners to provide water supply improvements and to maintain and operate the same within sewer districts which include a part or all of the territory within one or more municipal corporations shall be the same as provided by law within districts wholly outside of municipal corporation, including the levying of assessments. Such authority shall be limited to main works only, and shall not include construction and maintenance of lateral water mains for local service within such municipal corporation. The plans, specifications, and estimated cost for any improvement within the corporate limits of such municipal corporation shall be approved by the legislative authority of such municipal corporation prior to the letting of any contract for the construction thereof. All road surfaces, curbs, sidewalks, sewers, water pipes, or other public property disturbed or damaged by such construction shall be restored to their original condition within a reasonable time by the board, and the cost thereof shall be a part of the cost of such improvement. After such main works are constructed, such municipal corporations may use the same as a supply for branch and lateral water mains, for the service and use only of that part of such municipal corporation as lies within the area assessed or to be assessed for the cost of such main works, subject to such rules and regulations as are established by the board and

FACILITIES AS DEFINED BY THE POWER SITING COMMISSION, NOR GAS OR NATURAL GAS TRANSMISSION LINES OVER WHICH AN AGENCY OF THE UNITED STATES HAS EXCLUSIVE JURISDICTION.

(C) "COMMENCE TO CONSTRUCT" MEANS ANY CLEARING OF LAND, EXCAVATION, OR OTHER ACTION THAT WOULD ADVERSELY AFFECT THE NATURAL ENVIRONMENT OF THE SITE OR ROUTE OF A MAJOR UTILITY FACILITY, BUT DOES NOT INCLUDE SURVEYING CHANGES NEEDED FOR TEMPORARY USE OF SITES OR ROUTES FOR NONUTILITY PURPOSES, OR USES IN SECURING GEOLOGICAL DATA, INCLUDING NECESSARY BORINGS TO ASCERTAIN FOUNDATION CONDITIONS.

(D) "CERTIFICATE" MEANS A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED ISSUED BY THE POWER SITING COMMISSION.

Sec. 4906.02. (A) THERE IS HEREBY CREATED THE POWER SITING COMMISSION, COMPOSED OF THE CHAIRMAN OF THE PUBLIC UTILITIES COMMISSION, THE DIRECTOR OF ENVIRONMENTAL PROTECTION, THE DIRECTOR OF HEALTH, THE DIRECTOR OF DEVELOPMENT, AND A MEMBER OF THE PUBLIC WHO SHALL BE AN ENGINEER APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO SERVE AT THE PLEASURE OF THE GOVERNOR. THE PUBLIC MEMBER SHALL RECEIVE AS COMPENSATION FIVE THOUSAND DOLLARS PER YEAR PLUS EXPENSES NECESSARILY INCURRED IN THE PERFORMANCE OF HIS DUTIES. THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL BE CHAIRMAN OF THE POWER SITING COMMISSION. ALL HEARINGS, STUDIES, AND CONSIDERATION OF APPLICATIONS FOR CERTIFICATES SHALL BE CONDUCTED BY THE POWER SITING COMMISSION OR REPRESENTATIVES OF ITS MEMBERS. THE COMMISSION MAY NOT MAKE ANY APPROVAL WITHOUT THE CONSENT OF AT LEAST THREE MEMBERS OF THE COMMISSION.

(B) THE COMMISSION SHALL APPOINT A SECRETARY, WHO SHALL BE IN THE UNCLASSIFIED CIVIL SERVICE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION. THE SECRETARY SHALL KEEP A COMPLETE RECORD OF ALL PROCEEDINGS OF THE COMMISSION, ISSUE ALL NECESSARY PROCESS, WRITS, WARRANTS, AND NOTICES, KEEP ALL BOOKS, MAPS, DOCUMENTS, AND PAPERS ORDERED FILED BY THE COMMISSION, CONDUCT INVESTIGATIONS PURSUANT TO SECTION 4906.07 OF THE REVISED CODE, AND PERFORM SUCH OTHER DUTIES AS THE COMMISSION MAY PRESCRIBE.

Sec. 4906.03. THE POWER SITING COMMISSION SHALL:

(A) REVIEW AND COMMENT ON THE REPORTS FILED

UNDER SECTION 4906.15 OF THE REVISED CODE, AND MAKE THE INFORMATION CONTAINED THEREIN READILY AVAILABLE TO THE PUBLIC AND INTERESTED GOVERNMENTAL AGENCIES;

(B) COMPILE AND PUBLISH EACH YEAR THE GENERAL LOCATIONS OF THE PROPOSED POWER PLANT SITES AND GENERAL LOCATIONS OF TRANSMISSION LINE ROUTES WITHIN ITS JURISDICTION AS IDENTIFIED IN THE REPORTS FILED UNDER SECTION 4906.15 OF THE REVISED CODE, IDENTIFYING THE GENERAL LOCATION OF SUCH SITES AND THE APPROXIMATE YEAR WHEN CONSTRUCTION IS EXPECTED TO COMMENCE, AND TO MAKE SUCH INFORMATION READILY AVAILABLE TO THE PUBLIC, TO EACH NEWSPAPER OF DAILY OR WEEKLY CIRCULATION WITHIN THE AREA AFFECTED BY THE PROPOSED SITE, AND TO OTHER INTERESTED FEDERAL, STATE, AND LOCAL AGENCIES;

(C) REQUIRE SUCH INFORMATION FROM PERSONS SUBJECT TO ITS JURISDICTION AS IT CONSIDERS NECESSARY TO ASSIST IN THE CONDUCT OF HEARINGS AND ANY INVESTIGATIONS OR STUDIES IT MAY UNDERTAKE;

(D) CONDUCT ANY STUDIES OR INVESTIGATIONS WHICH IT CONSIDERS NECESSARY OR APPROPRIATE TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS CHAPTER;

(E) ADOPT RULES ESTABLISHING CRITERIA FOR EVALUATING THE EFFECTS ON ENVIRONMENTAL VALUES OF PROPOSED AND ALTERNATIVE SITES, AND PROJECTED NEEDS FOR ELECTRIC POWER, AND SUCH OTHER RULES AS ARE NECESSARY AND CONVENIENT TO IMPLEMENT CHAPTER 4906, OF THE REVISED CODE, INCLUDING REASONABLE APPLICATION FEES;

(F) APPROVE OR DISAPPROVE APPLICATIONS FOR CERTIFICATES.

Sec. 4906.04. NO PERSON SHALL COMMENCE TO CONSTRUCT A MAJOR UTILITY FACILITY IN THIS STATE WITHOUT FIRST HAVING OBTAINED A CERTIFICATE FOR THE FACILITY. THE REPLACEMENT OF AN EXISTING FACILITY WITH A LIKE FACILITY, AS DETERMINED BY THE POWER SITING COMMISSION, SHALL NOT CONSTITUTE CONSTRUCTION OF A MAJOR UTILITY FACILITY. SUCH REPLACEMENT OF A LIKE FACILITY IS NOT EXEMPT FROM ANY OTHER REQUIREMENTS OF STATE OR LOCAL LAWS OR REGULATIONS. ANY FACILITY, WITH RESPECT TO WHICH SUCH A CERTIFICATE IS REQUIRED, SHALL THEREAFTER BE CONSTRUCTED, OPERATED, AND MAINTAINED IN CONFORMITY WITH SUCH CERTIFICATE AND ANY TERMS, CONDITIONS, AND MODIFICATIONS CONTAINED THEREIN. A

of such municipal corporation, person, firm, or private corporation. The sanitary engineer, or sanitary engineering department, of such county, in addition to other duties assigned to such sanitary engineer or department, shall assist the board in the performance of its duties under sections 6103.02 to 6103.30 [; inclusive,] of the Revised Code, and shall be charged with such other duties and services in relation thereto as the board prescribes. The board may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of public water supplies in the county outside of municipal corporations, and of public water supplies within municipal corporations in its county wherever such water supplies are constructed or operated by such board or are supplied with water from water supplies constructed or operated by such board, including the establishment of connections. Such rules and regulations shall not be inconsistent with the laws of the state or the rules and regulations of the [department of health] ENVIRONMENTAL PROTECTION AGENCY. No public water supplies or water pipes or mains shall be constructed in any county outside of municipal corporations by any person, firm, or corporation, except for the purpose of supplying water to such municipal corporations, until the plans and specifications for the same have been approved by the board. Any such construction shall be done under the supervision of the sanitary engineer. Any person, firm, or corporation proposing or constructing such improvements shall pay to the county all expense incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys and examinations necessary for the design or examination of public water supplies, and may make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for such purpose, or making such surveys or examinations. If actual damage is done to property by the making of such surveys and examinations, the board shall pay the reasonable value of such damage to the owner of the property damaged and such cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made.

The board shall fix reasonable rates to be charged for water supplied when the source of supply or distributing pipes are owned or operated by the county which shall be at least sufficient to pay for all the cost of operation and maintenance of improvements for which the resolution declaring the necessity thereof shall be passed after [the effective date of this act] JULY 1, 1958. When the source of supply is owned by a municipal corporation or any person, firm, or private corporation, the schedule of rates to be charged by such municipal corporation, person, firm, or private corporation shall be ratified by the board at the time any contract is entered into for the use of water from such municipal corporation, person, firm, or private corporation. When the distributing pipes are owned by the county the board shall fix a reasonable tap in charge and no person shall be permitted to tap in to such distributing pipes until

fits to property due to modifications or additions to the plans, the board of directors may, if it finds it practicable, make settlements with the owners of the property damaged instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reductions in benefits, if any are made, the amount shall be paid to the party in cash. This section applies to all changes in appraisals under sections 6101.01 to 6101.84 [; inclusive;] of the Revised Code.

Sec. 6101.451. A conservancy district or a subdistrict thereof may apply to the [~~Ohio water commission~~] DIRECTOR OF NATURAL RESOURCES for an advance of moneys from the conservancy district organization fund hereby created to enable such district or subdistrict to pay all or a part of the expenses of organization, surveys and plans, appraisals, estimates of cost, land options, and other incidental expenses of the district or subdistrict. The [~~commission~~] DIRECTOR shall consider such application and shall recommend an amount of moneys reasonably needed by such district or subdistrict.

The order of the [~~commission~~] DIRECTOR recommending the amount of such moneys needed shall be certified to the controlling board created by the statute appropriating moneys to the conservancy district organization fund. Such controlling board shall then determine the amount to be advanced to such district or subdistrict, and shall certify its action to the auditor of the state, who shall thereupon draw his voucher to the treasurer of the state for payment of the amount specified in such order to said district or subdistrict from moneys appropriated to the conservancy district organization fund.

All amounts received by any such conservancy district or subdistrict as advances from the conservancy district organization fund shall be repaid by it to the state immediately upon the receipt by it of funds from the sale of bonds or from other sources which may be used for that purpose, or in such number of equal annual installments not exceeding five, and commencing at such time as shall be specified in the order of the [~~Ohio water commission~~] DIRECTOR.

Sec. 6103.02. For the purpose of preserving and promoting the public health and welfare, and providing fire protection, any board of county commissioners may by resolution acquire, construct, maintain, and operate any public water supply or water-works system within its county for any sewer district, and may provide for the protection thereof and prevent the pollution and unnecessary waste thereof. By contract with any municipal corporation, or any person, firm, or private corporation furnishing a public water supply within or without its county, the board may provide such supply of water to such district from the water-works

CERTIFICATE MAY ONLY BE ISSUED PURSUANT TO CHAPTER 4906. OF THE REVISED CODE.

A CERTIFICATE MAY BE TRANSFERRED, SUBJECT TO THE APPROVAL OF THE COMMISSION, TO A PERSON WHO AGREES TO COMPLY WITH THE TERMS, CONDITIONS, AND MODIFICATIONS CONTAINED THEREIN.

Sec. 4906.05. NO CERTIFICATE IS REQUIRED FOR A MAJOR UTILITY FACILITY ON WHICH CONSTRUCTION HAD ALREADY COMMENCED ON THE EFFECTIVE DATE OF THIS ACT OR WITHIN TWO YEARS THEREAFTER. THIS SECTION DOES NOT EXEMPT SUCH A FACILITY FROM ANY OTHER REQUIREMENTS OF STATE AND LOCAL LAWS AND REGULATIONS.

NO CERTIFICATE IS REQUIRED FOR ANY MAJOR UTILITY FACILITY ALREADY IN OPERATION ON THE EFFECTIVE DATE OF THIS ACT, AND THE FACILITY SHALL NOT BE EXEMPT FROM ANY APPLICABLE STATE OR LOCAL LAWS OR REGULATIONS. A CERTIFICATE IS REQUIRED FOR ANY SUBSTANTIAL ADDITION TO A FACILITY ALREADY IN OPERATION. "SUBSTANTIAL ADDITION" SHALL BE DEFINED BY THE POWER SITING COMMISSION.

ANY ELECTRIC GENERATING PLANT AND ASSOCIATED FACILITIES, ELECTRIC TRANSMISSION LINE AND ASSOCIATED FACILITIES, OR GAS OR NATURAL GAS TRANSMISSION LINE AND ASSOCIATED FACILITIES WHICH IS NOT A MAJOR UTILITY FACILITY IS NOT EXEMPT FROM STATE OR LOCAL LAWS OR REGULATIONS.

Sec. 4906.06. (A) AN APPLICANT FOR A CERTIFICATE SHALL FILE WITH THE POWER SITING COMMISSION AN APPLICATION, IN SUCH FORM AS THE COMMISSION PRESCRIBES, CONTAINING THE FOLLOWING INFORMATION:

(1) A DESCRIPTION OF THE LOCATION AND OF THE MAJOR UTILITY FACILITY TO BE BUILT THEREON;

(2) A SUMMARY OF ANY STUDIES WHICH HAVE BEEN MADE BY OR FOR THE APPLICANT OF THE ENVIRONMENTAL IMPACT OF THE FACILITY;

(3) A STATEMENT EXPLAINING THE NEED FOR THE FACILITY;

(4) A STATEMENT OF THE REASONS WHY THE PROPOSED LOCATION IS BEST SUITED FOR THE FACILITY;

(5) A STATEMENT OF HOW THE FACILITY FITS INTO THE APPLICANT'S FORECAST CONTAINED IN THE REPORT SUBMITTED UNDER SECTION 4906.15 OF THE REVISED CODE;

(6) SUCH OTHER INFORMATION AS THE APPLICANT MAY CONSIDER RELEVANT OR AS THE COMMISSION MAY BY REGULATION OR ORDER REQUIRE. COPIES OF THE STUDIES REFERRED TO IN DIVISION (A) (2) OF THIS SEC-

TION SHALL BE FILED WITH THE COMMISSION, IF ORDERED, AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

THE APPLICATION SHALL BE FILED NOT LESS THAN TWO YEARS, EXCEPT ONE YEAR IN THE CASE OF TRANSMISSION LINES, NOR MORE THAN FIVE YEARS PRIOR TO THE PLANNED DATE OF COMMENCEMENT OF CONSTRUCTION. SUCH PERIOD MAY BE WAIVED BY THE COMMISSION FOR UNFORESEEN EMERGENCIES.

(B) EACH APPLICATION SHALL BE ACCOMPANIED BY PROOF OF SERVICE OF A COPY OF SUCH APPLICATION ON THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPAL CORPORATION AND COUNTY AND THE HEAD OF EACH PUBLIC AGENCY, CHARGED WITH THE DUTY OF PROTECTING THE ENVIRONMENT OR OF PLANNING LAND USE, IN THE AREA IN WHICH ANY PORTION OF SUCH FACILITY IS TO BE LOCATED.

(C) EACH APPLICANT SHALL WITHIN SEVEN DAYS OF THE FILING OF THE APPLICATION GIVE PUBLIC NOTICE TO PERSONS RESIDING IN THE MUNICIPAL CORPORATIONS AND COUNTIES ENTITLED TO RECEIVE NOTICE UNDER DIVISION (B) OF THIS SECTION, BY THE PUBLICATION OF A SUMMARY OF THE APPLICATION IN NEWSPAPERS OF GENERAL CIRCULATION IN SUCH AREA. PROOF OF SUCH PUBLICATION SHALL BE FILED WITH THE COMMISSION.

(D) INADVERTENT FAILURE OF SERVICE ON, OR NOTICE TO, ANY OF THE PERSONS IDENTIFIED IN DIVISIONS (B) AND (C) OF THIS SECTION MAY BE CURED PURSUANT TO ORDERS OF THE COMMISSION DESIGNED TO AFFORD THEM ADEQUATE NOTICE TO ENABLE THEIR EFFECTIVE PARTICIPATION IN THE PROCEEDING. IN ADDITION, THE COMMISSION MAY, AFTER FILING, REQUIRE THE APPLICANT TO SERVE NOTICE OF THE APPLICATION OR COPIES THEREOF OR BOTH UPON SUCH OTHER PERSONS, AND FILE PROOF THEREOF, AS THE COMMISSION CONSIDERS APPROPRIATE.

(E) AN APPLICATION FOR AN AMENDMENT OF A CERTIFICATE SHALL BE IN SUCH FORM AND CONTAIN SUCH INFORMATION AS THE COMMISSION PRESCRIBES. NOTICE OF SUCH AN APPLICATION SHALL BE GIVEN AS REQUIRED IN DIVISIONS (B) AND (C) OF THIS SECTION.

Sec. 4906.07. (A) UPON THE RECEIPT OF AN APPLICATION COMPLYING WITH SECTION 4906.06 OF THE REVISED CODE, THE POWER SITING COMMISSION SHALL PROMPTLY FIX A DATE FOR A PUBLIC HEARING THEREON, NOT LESS THAN SIXTY NOR MORE THAN NINETY DAYS AFTER SUCH RECEIPT, AND SHALL CONCLUDE THE PROCEEDING AS EXPEDITIOUSLY AS PRACTICABLE.

opening or connection made improperly or in violation of such rules and regulations, and may bring such suits in mandamus in the court of appeals in the first instance, if it deems it advisable. Any person or public corporation which willfully fails to comply with such rules and regulations shall be liable for damage caused by such failure, and for the cost of renewing any construction damaged or destroyed.

(D) No person or public corporation shall erect within the drainage area of the district any dam or reservoir upon any stream or watercourse therein or any work or obstruction diminishing the cross section of any such stream or watercourse until a copy of the plans thereof has been filed with the secretary of the conservancy district for the board's examination.

Sec. 6101.39. The board of directors of a conservancy district may at any time after the appraisal record is filed, when necessary to fulfill the objects for which the district was created, alter or add to the official plan by amendment thereof. Such alterations or additions may be alterations in or additions to improvements previously provided for in the official plan or may consist of new works or improvements for the accomplishment of the purposes for which the district was created not previously provided for in the official plan. When such alterations or additions are formally approved by the board and by the court, and are filed with the secretary of the conservancy district, they shall become part of the official plan for all purposes of sections 6101.01 to 6101.84 [; inclusive;] of the Revised Code. Where such alterations or additions in the judgment of the court neither materially modify the general character of the work, nor materially increase resulting damage for which the board is not able to make amicable settlement, nor increase the cost more than ten per cent, no action other than a resolution of the board is necessary for the approval of such alterations or additions. Any alteration or addition to the official plan relating to the provision of water supply or the collection and disposal of sewage and liquid wastes requires the approval of the [department of health] ENVIRONMENTAL PROTECTION AGENCY. In case the proposed alterations or additions materially modify the general character of the work or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than ten per cent, the court shall direct the board of appraisers of the conservancy district, which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise, to appraise the property to be taken, benefited, or damaged by the proposed alterations or additions.

Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on its report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury exists. When the only question at issue is additional damages or reduction of bene-

retary, and by him incorporated into the records of the district. The board, with the approval of the court, may alter or add to the official plan until the appraisal record is filed, and of all such alterations and additions the board of appraisers of the conservancy district shall take notice; but if in the judgment of the court any such alteration or addition is material in character, the procedure thereon shall be the same as on the adoption of the plan. After the appraisal record has been filed in court, no alterations of the official plan or additions thereto shall be made except as provided in section 6101.39 of the Revised Code.

The board of directors of a conservancy district shall have full power and authority to devise, prepare for, execute, maintain, and operate all works or improvements necessary or desirable to complete, maintain, operate, and protect the official plan. It may secure and use men and equipment under the supervision of the chief engineer or other agents, or it may let contracts for such works, either as a whole or in parts.

Sec. 6101.19. (A) The board of directors of a conservancy district may make and enforce such rules and regulations as it deems necessary and advisable:

(1) To protect and preserve the works, improvements, and properties owned or controlled by the district, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent thereto;

(2) To prescribe the manner of building bridges, roads, or fences or other works in, into, along, or across any channel, reservoir, or other construction of the district;

(3) To prescribe the manner in which ditches, sewers, pipe lines, or other works shall be adjusted to or connected with the works of the district or any watercourse therein and the manner in which the watercourses of the district may be used for sewer outlets or for disposal of waste;

(4) To prescribe the permissible uses of the water supply provided by the district and the manner of its distribution, and to prevent the pollution or unnecessary waste of such water supply;

(5) To prohibit or regulate the discharge into the sewers of the district of any liquid or solid wastes deemed detrimental to the works and improvements of the district.

Such rules and regulations shall not be inconsistent with the laws of the state or the rules and regulations or requirements of the [department of health] DIRECTOR OF ENVIRONMENTAL PROTECTION, and shall be published in the manner provided by section 6101.01 of the Revised Code before taking effect.

(B) No person shall violate any rule or regulation adopted in accordance with this section.

(C) The board may enforce by mandamus or otherwise all necessary regulations made by it and authorized by sections 6101.01 to 6101.84 [; inclusive,] of the Revised Code, and may remove any harmful or improper construction or obstruction or close any

(B) ON AN APPLICATION FOR AN AMENDMENT OF A CERTIFICATE, THE COMMISSION SHALL HOLD A HEARING IN THE SAME MANNER AS A HEARING IS HELD ON AN APPLICATION FOR A CERTIFICATE IF THE PROPOSED CHANGE IN THE FACILITY WOULD RESULT IN ANY MATERIAL INCREASE IN ANY ENVIRONMENTAL IMPACT OF THE FACILITY OR A SUBSTANTIAL CHANGE IN THE LOCATION OF ALL OR A PORTION OF SUCH FACILITY OTHER THAN AS PROVIDED IN THE ALTERNATES SET FORTH IN THE APPLICATION.

(C) THE SECRETARY OF THE POWER SITING COMMISSION SHALL INVESTIGATE EACH APPLICATION FILED WITH THE COMMISSION AND SHALL, NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE ANY APPLICATION IS SET FOR HEARING SUBMIT A WRITTEN REPORT TO THE COMMISSION AND TO THE APPLICANT. A COPY OF SUCH REPORT SHALL BE MADE AVAILABLE TO ANY PERSON UPON REQUEST. SUCH REPORT SHALL SET FORTH THE NATURE OF THE INVESTIGATION, AND SHALL CONTAIN RECOMMENDED FINDINGS WITH REGARD TO DIVISION (A) OF SECTION 4906.10 OF THE REVISED CODE AND SHALL BECOME PART OF THE RECORD AND SERVED UPON ALL PARTIES TO THE PROCEEDING.

Sec. 4906.08. (A) THE PARTIES TO A CERTIFICATION PROCEEDING SHALL INCLUDE:

(1) THE APPLICANT;

(2) EACH PERSON ENTITLED TO RECEIVE SERVICE OF A COPY OF THE APPLICATION UNDER DIVISION (B) OF SECTION 4906.06 OF THE REVISED CODE, IF IT HAS FILED WITH THE POWER SITING COMMISSION A NOTICE OF INTERVENTION AS A PARTY, WITHIN THIRTY DAYS AFTER THE DATE IT WAS SERVED WITH A COPY OF THE APPLICATION;

(3) ANY PERSON RESIDING IN A MUNICIPAL CORPORATION OR COUNTY ENTITLED TO RECEIVE SERVICE OF A COPY OF THE APPLICATION UNDER DIVISION (B) OF SECTION 4906.06 OF THE REVISED CODE; AND ANY OTHER PERSON, IF SUCH A PERSON HAS PETITIONED THE COMMISSION FOR LEAVE TO INTERVENE AS A PARTY WITHIN THIRTY DAYS AFTER THE DATE OF PUBLICATION OF THE NOTICE REQUIRED BY DIVISION (C) OF SECTION 4906.06 OF THE REVISED CODE, AND IF SUCH PETITION HAS BEEN GRANTED BY THE COMMISSION FOR GOOD CAUSE SHOWN.

(B) THE COMMISSION MAY, IN EXTRAORDINARY CIRCUMSTANCES FOR GOOD CAUSE SHOWN, GRANT A PETITION FOR LEAVE TO INTERVENE AS A PARTY TO PARTICIPATE IN SUBSEQUENT PHASES OF THE PROCEEDING, FILED BY A PERSON IDENTIFIED IN DIVISION (A) (2) OR (A) (3) OF THIS SECTION, BUT WHO FAILED TO FILE A

TIMELY NOTICE OF INTERVENTION OR PETITION FOR LEAVE TO INTERVENE, AS THE CASE MAY BE.

(C) THE COMMISSION SHALL ACCEPT WRITTEN OR ORAL TESTIMONY FROM ANY PERSON AT THE PUBLIC HEARING, BUT THE RIGHT TO CALL AND EXAMINE WITNESSES SHALL BE RESERVED FOR PARTIES. HOWEVER, THE COMMISSION MAY ADOPT RULES TO EXCLUDE REPETITIVE, IMMATERIAL, OR IRRELEVANT TESTIMONY.

Sec. 4906.09. A RECORD SHALL BE MADE OF THE HEARING AND OF ALL TESTIMONY TAKEN. RULES OF EVIDENCE, AS SPECIFIED BY THE POWER SITING COMMISSION, SHALL APPLY TO THE PROCEEDING. THE COMMISSION MAY PROVIDE FOR THE CONSOLIDATION OF THE REPRESENTATION OF PARTIES HAVING SIMILAR INTERESTS.

Sec. 4906.10. (A) THE POWER SITING COMMISSION SHALL RENDER A DECISION UPON THE RECORD EITHER GRANTING OR DENYING THE APPLICATION AS FILED, OR GRANTING IT UPON SUCH TERMS, CONDITIONS, OR MODIFICATIONS OF THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE MAJOR UTILITY FACILITY AS THE COMMISSION CONSIDERS APPROPRIATE. THE CERTIFICATE SHALL BE CONDITIONED UPON THE FACILITY BEING IN COMPLIANCE WITH STANDARDS AND REGULATIONS ADOPTED UNDER CHAPTERS 3704., 3734., AND 6111. OF THE REVISED CODE. THE PERIOD OF INITIAL OPERATION, UNDER A CERTIFICATE, SHALL EXPIRE TWO YEARS AFTER THE DATE ON WHICH ELECTRIC POWER IS FIRST GENERATED BY THE FACILITY. DURING THE PERIOD OF INITIAL OPERATION THE FACILITY SHALL BE SUBJECT TO THE ENFORCEMENT AND MONITORING POWERS OF THE DIRECTOR OF ENVIRONMENTAL PROTECTION UNDER CHAPTERS 3704., 3734., AND 6111. OF THE REVISED CODE AND TO THE EMERGENCY PROVISIONS THEREUNDER. IF A MAJOR UTILITY FACILITY CONSTRUCTED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF ITS CERTIFICATE IS UNABLE TO OPERATE IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF STATE LAWS, REGULATIONS, AND STANDARDS PERTAINING TO AIR POLLUTION, SUCH FACILITY MAY APPLY TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION FOR A CONDITIONAL OPERATING PERMIT UNDER DIVISION (G) OF SECTION 3704.03 OF THE REVISED CODE AND THE REGULATIONS ADOPTED THEREUNDER. THE OPERATION OF A MAJOR UTILITY FACILITY IN COMPLIANCE WITH SUCH A CONDITIONAL OPERATING PERMIT IS NOT IN VIOLATION OF ITS CERTIFICATE. AFTER THE EXPIRATION OF THE PERIOD OF INITIAL OPERATION OF A MAJOR UTILITY FACILITY, SUCH FACILITY SHALL BE UNDER THE JURISDICTION OF THE ENVIRONMENTAL PROTECTION AGENCY, AND SHALL

persons, public corporations, and agencies of the state government interested. The board shall make copies of the plan available to any interested party, such copies to be supplied only at the cost thereof.

Said notice shall fix the times and places for the hearing of all objections to said plan which shall be not less than twenty nor more than thirty days after the last publication of said notice. The board, or its duly appointed representative under this section, may, upon motion and for good cause shown, or upon its or his own motion, grant continuances to a day certain of the hearing on the plan. Such continuances shall not necessitate additional notice. All objections to said plan shall be in writing and filed with the secretary of the conservancy district at his office not more than twenty days after the last publication of said notice. A hearing on the objections so filed shall be provided for by the board in the county seat of each county in which a copy of the plan has been filed as required by this section, but such hearing may be canceled in any county from which no objections have emanated either from a resident or owner of property located therein. The board may, if it deems necessary, appoint one or more representatives each of whom shall be assigned by the board to conduct one or more of the hearings on the objections as required by this section and to cause a record to be made of each of such hearings and to report such record back to the board. After said hearings, the board shall adopt the plan with or without modifications as the official plan of the district. Within ten days after the adoption of the official plan by the board, the secretary of the conservancy district shall certify a copy thereof and deposit it with the clerk of the court who shall file it in the original case. If any person, public corporation, or agency of the state government objects to said official plan, so adopted, then such person, public corporation, or agency of the state government may, within thirty days from the adoption of said official plan, file their objections in writing, specifying the features of the plan to which they object, in the original case establishing the district in the office of the clerk of the court. The clerk of the court shall fix a day for a hearing upon said official plan before the court which shall not be less than twenty nor more than thirty days after the time fixed for filing objections, at which time the court shall hear any objections so filed and approved, reject, or refer back said plan to the board.

The court may, upon motion and for good cause shown, or upon its own motion, grant continuances to a date certain of the hearing on the plan when it is made to appear to the court that further time is needed for study of the plan by objectors. Such continuances shall not necessitate additional notice. If the court rejects said plan, the board shall proceed as in the first instance under this section to prepare another plan. If the court refers said plan to said board for amendment, then the court shall continue the hearing to a day certain without publication of notice. If the court approves said plan as the official plan of the district, a certified copy of the journal entry of the court shall be filed with the sec-

wastes, for any municipal corporation, unless the governing body of such municipal corporation has petitioned the board to provide a water supply or a system for the collection and disposal of sewage and other liquid wastes, or has signed the petition initiating the proceeding by which the district acquired authority to undertake such improvements. Such plan shall include such maps, profiles, plans, and other data and descriptions as are necessary to set forth properly the location and character of the work and of the property benefited or taken or damaged, with estimates of cost for doing the work, including the proportion of the total cost to be assessed within the district, a breakdown of the sources of funds to be used in making the improvements, and the extent of participation, if any, by other political agencies in constructing the work.

If the board finds that any former survey made by any other district or in any other matter is useful for the purposes of the district, the board may take over the data secured by such survey, or such other proceedings as is useful to it, and may pay therefor an amount equal to the value of such data to said district. No construction shall be made under sections 6101.01 to 6101.84 [~~inclusive~~] of the Revised Code, which will cause the flooding of any municipal corporation or which will cause the water to back up into any municipal corporation, unless the board has acquired and paid for the right to use the land affected for such purpose, and has paid all damages incident thereto. No railroad shall be required to be constructed with a grade in excess of the maximum ruling grade then existing upon that division of said railroad whereon said change is required.

Upon the completion of such plan, the board shall file a copy thereof with the [~~department of health~~] ENVIRONMENTAL PROTECTION AGENCY which may approve or reject any provisions thereof relating to the supplying of water for domestic, industrial, and public use or to the collection and disposal of sewage and other liquid wastes. IN DECIDING WHETHER TO APPROVE OR REJECT SUCH PROVISIONS, THE AGENCY SHALL CONSIDER, AMONG OTHER FACTORS, THE PROTECTION OF THE PUBLIC HEALTH, AND COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS AND REGULATIONS AND SOLID WASTE DISPOSAL REQUIREMENTS. If the department rejects such provisions or refers them back for amendment, the board shall prepare other or amended provisions relating thereto. If the [~~department~~] AGENCY approves the provisions, it shall certify a copy of its action to the board, which shall file it as a record of the district.

Upon the completion of the plan and the approval by the [~~department~~] AGENCY, the board shall cause notice of the completion of such plan to be given by publication in accordance with section 6101.01 of the Revised Code, and shall file a copy of such plan in the office of the clerk of the common pleas court of each county in which works of improvement are proposed, or in which property would be benefited, damaged, or taken by the execution of such plan. Such copies shall be available for inspection by all

COMPLY WITH ALL LAWS, REGULATIONS, AND STANDARDS PERTAINING TO AIR POLLUTION, WATER POLLUTION, AND SOLID WASTE DISPOSAL.

THE COMMISSION SHALL NOT GRANT A CERTIFICATE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A MAJOR UTILITY FACILITY, EITHER AS PROPOSED OR AS MODIFIED BY THE COMMISSION, UNLESS IT FINDS AND DETERMINES:

(1) THE BASIS OF THE NEED FOR THE FACILITY;
(2) THE NATURE OF THE PROBABLE ENVIRONMENTAL IMPACT;

(3) THAT THE FACILITY REPRESENTS THE MINIMUM ADVERSE ENVIRONMENTAL IMPACT, CONSIDERING THE STATE OF AVAILABLE TECHNOLOGY AND THE NATURE AND ECONOMICS OF THE VARIOUS ALTERNATIVES, AND OTHER PERTINENT CONSIDERATIONS;

(4) IN CASE OF AN ELECTRIC TRANSMISSION LINE, THAT SUCH FACILITY IS CONSISTENT WITH REGIONAL PLANS FOR EXPANSION OF THE ELECTRIC POWER GRID OF THE ELECTRIC SYSTEMS SERVING THIS STATE AND INTERCONNECTED UTILITY SYSTEMS; AND THAT SUCH FACILITIES WILL SERVE THE INTERESTS OF ELECTRIC SYSTEM ECONOMY AND RELIABILITY;

(5) THAT THE FACILITY WILL COMPLY WITH CHAPTERS 3704., 3734., AND 6111. OF THE REVISED CODE AND ALL REGULATIONS AND STANDARDS ADOPTED THEREUNDER;

(6) THAT THE FACILITY WILL SERVE THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY.

(B) IF THE COMMISSION DETERMINES THAT THE LOCATION OF ALL OR A PART OF THE PROPOSED FACILITY SHOULD BE MODIFIED, IT MAY CONDITION ITS CERTIFICATE UPON SUCH MODIFICATION, PROVIDED THAT THE MUNICIPAL CORPORATIONS AND COUNTIES, AND PERSONS RESIDING THEREIN, AFFECTED BY THE MODIFICATION, SHALL HAVE BEEN GIVEN REASONABLE NOTICE THEREOF.

(C) A COPY OF THE DECISION AND ANY OPINION ISSUED THEREWITH SHALL BE SERVED UPON EACH PARTY.

Sec. 4906.11. IN RENDERING A DECISION ON AN APPLICATION FOR A CERTIFICATE, THE COMMISSION SHALL ISSUE AN OPINION STATING ITS REASONS FOR THE ACTION TAKEN.

Sec. 4906.12. SECTIONS 4903.02 TO 4903.16 AND SECTIONS 4903.20 TO 4903.23 OF THE REVISED CODE SHALL APPLY TO ANY PROCEEDING OR ORDER OF THE POWER SITING COMMISSION UNDER CHAPTER 4906. OF THE RE-

REVISED CODE, IN THE SAME MANNER AS IF THE COMMISSION WERE THE PUBLIC UTILITIES COMMISSION UNDER SUCH SECTIONS.

Sec. 4906.13. NO PUBLIC AGENCY OR POLITICAL SUBDIVISION OF THIS STATE MAY REQUIRE ANY APPROVAL, CONSENT, PERMIT, CERTIFICATE, OR OTHER CONDITION FOR THE CONSTRUCTION OR INITIAL OPERATION OF A MAJOR UTILITY FACILITY AUTHORIZED BY A CERTIFICATE ISSUED PURSUANT TO CHAPTER 4906. OF THE REVISED CODE. NOTHING HEREIN SHALL PREVENT THE APPLICATION OF STATE LAWS FOR THE PROTECTION OF EMPLOYEES ENGAGED IN THE CONSTRUCTION OF SUCH FACILITY NOR OF MUNICIPAL REGULATIONS THAT DO NOT PERTAIN TO THE LOCATION OR DESIGN OF, OR POLLUTION CONTROL AND ABATEMENT STANDARDS FOR, A MAJOR UTILITY FACILITY FOR WHICH A CERTIFICATE HAS BEEN GRANTED UNDER THIS CHAPTER.

Sec. 4906.14. THE POWER SITING COMMISSION, IN THE DISCHARGE OF ITS DUTIES UNDER CHAPTER 4906. OF THE REVISED CODE, MAY MAKE JOINT INVESTIGATIONS, HOLD JOINT HEARINGS WITHIN OR WITHOUT THE STATE, AND ISSUE JOINT OR CONCURRENT ORDERS IN CONJUNCTION OR CONCURRENCE WITH ANY OFFICIAL OR AGENCY OF ANY STATE OR OF THE UNITED STATES, WHETHER IN THE HOLDING OF SUCH INVESTIGATIONS OR HEARINGS, OR IN THE MAKING OF SUCH ORDERS, THE COMMISSION IS FUNCTIONING UNDER AGREEMENTS OR COMPACTS BETWEEN STATES OR UNDER THE CONCURRENT POWER OF STATES TO REGULATE INTERSTATE COMMERCE, OR AS AN AGENCY OF THE UNITED STATES, OR OTHERWISE. THE COMMISSION, IN THE DISCHARGE OF ITS DUTIES UNDER CHAPTER 4906. OF THE REVISED CODE, MAY NEGOTIATE AND ENTER INTO AGREEMENTS OR COMPACTS WITH AGENCIES OF OTHER STATES, PURSUANT TO ANY CONSENT OF CONGRESS, FOR COOPERATIVE EFFORTS IN CERTIFICATING THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF MAJOR UTILITY FACILITIES IN ACCORD WITH THE PURPOSES OF SUCH SECTIONS AND FOR THE ENFORCEMENT OF THE RESPECTIVE STATE LAWS REGARDING SUCH FACILITIES.

Sec. 4906.15. EACH PERSON OWNING OR OPERATING A MAJOR UTILITY FACILITY WITHIN THIS STATE SHALL ANNUALLY FURNISH A REPORT TO THE POWER SITING COMMISSION FOR ITS REVIEW CONTAINING A TEN-YEAR FORECAST OF LOADS, RESOURCES, AND PROSPECTIVE SITES. THE REPORT SHALL DESCRIBE THE MAJOR UTILITY FACILITIES WHICH, IN THE JUDGMENT OF SUCH PERSON, WILL BE REQUIRED TO SUPPLY SYSTEM DEMANDS DURING THE FORECAST PERIOD. THE FORECAST SHALL

COVER THE TEN-YEAR PERIOD NEXT SUCCEEDING THE DATE OF SUCH REPORT, AND SHALL BE MADE AVAILABLE TO THE PUBLIC AND FURNISHED UPON REQUEST TO MUNICIPAL CORPORATIONS AND GOVERNMENTAL AGENCIES CHARGED WITH THE DUTY OF PROTECTING THE ENVIRONMENT OR OF PLANNING LAND USE. THE REPORT SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS MAY BE PRESCRIBED BY THE COMMISSION.

Sec. 4906.98. NO PERSON SHALL WILLFULLY CONSTRUCT A MAJOR UTILITY FACILITY WITHOUT FIRST OBTAINING A CERTIFICATE.

NO PERSON SHALL WILLFULLY CONSTRUCT, OPERATE, OR MAINTAIN A MAJOR UTILITY FACILITY OTHER THAN IN COMPLIANCE WITH THE CERTIFICATE HE HAS OBTAINED.

Sec. 4906.99. WHOEVER VIOLATES SECTION 4906.98 OF THE REVISED CODE SHALL BE FINED NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS FOR EACH DAY OF VIOLATION, OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH.

Sec. 6101.061. Upon determining that a sufficient petition has been filed, the judge making such determination shall cause written notice thereof to be given to the director of the department of natural resources, THE DIRECTOR OF ENVIRONMENTAL PROTECTION, and to the board of directors of any conservancy district having jurisdiction over all or part of the territory affected by the proceeding or within the same major watershed area as defined by the department of natural resources AND THE DIRECTOR OF ENVIRONMENTAL PROTECTION. The director of natural resources, THE DIRECTOR OF ENVIRONMENTAL PROTECTION, and the directors of such conservancy districts may appear at any hearing considering the establishment, dissolution or merger of any conservancy district or sub-district thereof, and be heard concerning the need for a conservancy district, the area that should be included, desirable improvements, and any other matters which in their opinion should be brought to the attention of the court.

Sec. 6101.13. Upon its qualification, or as soon thereafter as practicable, the board of directors of a conservancy district shall prepare a plan for such part or parts of the improvements for which the district was created as the board of directors shall deem advisable. Such plan shall be filed, in accordance with this section, within two years from the date of the order establishing the district. The court may grant extensions of time allowed for the filing of the plan if the board of directors so requests, for good cause shown. No plan or portion of a plan shall be prepared providing a water supply for domestic, industrial, or public use, or providing for the collection and disposal of sewage and other liquid